Free Speech in Classical Antiquity

EDITED BY

INEKE SLUITER &

RALPH M. ROSEN

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PRINTED IN THE NETHERLANDS

To our teachers

Dirk M. Schenkeveld
Martin Ostwald

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PREFACE

'Freedom of Speech in Classical Antiquity' was the theme of the second *Penn-Leiden Colloquium on Ancient Values*, held in June 2002 at the University of Pennsylvania. The timeliness of the theme resulted, as the Table of Contents shows, in a wide range of approaches to 'free speech' in both Greek and Roman contexts, in politics, the lawcourts, religion, tragedy, comedy, and so forth. What the Table of Contents does not show is the lively and wide-ranging discussions that followed the delivery of each paper. Much of it is recaptured in the published versions offered here.

It is the variety of the connotations of 'free speech' in our times that admirably informs the papers presented here. What we regard as 'free speech' is applied to the practices of the ancients in the fields enumerated above, and this shows, if any such demonstration is needed, how fertile the consequences of the practices of uninhibited speech are, especially—but not exclusively—in democratically governed states in post-classical times.

We all too often forget that our concepts of 'free speech' evoke associations which they may not have had, or not in the same way, in Greco-Roman antiquity, such as slander, libel, blasphemy, and the like. The reason seems to be that the conception of 'rights' which underlies our ideas is no older than the *Bill of Rights* appended to the Constitution of the United States in 1791 and the *Déclaration des droits de l'homme et du Citoyen* proclaimed in France two years earlier; in the former, free speech is connected with the protection of the free practice of religious worship; in the latter, with establishing the supremacy of the written law. If it is permitted to remark on just one of the papers contained in this volume, this difference receives due attention in the paper by D.M. Carter, who rightly stresses that 'freedom of speech' as a right which is inalienable and which is protected by law is a concept alien to classical Antiquity. It was, rather, a characteristic of Athenian citizenship.

Although not regarded as 'rights' in Antiquity, the terms *parrhêsia* and *isêgoria* (to which might have been added *eleutherostomia)*, most closely express our modern ideas of 'free speech'. Thus, they are the ultimate origin of a concept underlying notions of freedom and democracy. However much reshaped and reconceptualized, our modern society

has ultimately inherited this from classical Antiquity, and it is to this heritage that this volume pays a worthy tribute.

Martin Ostwald

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CHAPTER ONE

GENERAL INTRODUCTION

Ineke Sluiter and Ralph Rosen

1. *Introduction*

Just weeks before the start of the second Penn-Leiden Colloquium on Ancient Values, on the topic of Free Speech in Classical Antiquity, the unconventional Dutch politician Pim Fortuyn was murdered—a political crime that no Dutch citizen would have believed possible in the Netherlands. At the time, it was almost automatically assumed that the motive for the murder was to be sought in Fortuyn's outspokenness on topics long considered off-limits by more politically correct representatives of 'Dutch tolerance'. His killer, on the other hand, after his arrest persisted in a consciously chosen strategy of total silence: the opposition between his exercise of the right to remain silent and the ultimate denial of the right of free speech in another was striking.

At the same time, in the United States the Supreme Court of Virginia was reconsidering whether cross-burning should be protected under the First Amendment, in a reexamination of the arguments made in the classic R.A.V. case on the same topic.[1] This case has occupied not only legal scholars, but also philosophers and linguists. People are entitled to their communicative symbols, so one argument goes, but what exactly does this particular symbol translate into? Does the burning cross in the yard of an African American family indeed signify a

[1] R.A.V. are the initials of the white juvenile who had been arrested for burning a cross inside the fenced yard of a black family. He was charged with violating St. Paul's Bias-Motivated Crime Ordinance, which prohibited the placement of any symbol on public or private party that aroused anger in others on the basis of race, color, creed, religion, or gender. The trial court dismissed this charge on the grounds that it was overbroad and impermissibly content-based under the First Amendment. The Minnesota Supreme Court reversed, holding that the ordinance prohibited only 'fighting words', which were not protected under the First Amendment. But the US Supreme Court held that the St. Paul ordinance was indeed invalid under the First Amendment. For a description of this case, see Matsuda et al. 1993, 133ff. That volume contains a fascinating series of papers on 'hate speech', viewed from the perspective of critical race theory. On the R.A.V. case, see in particular also Butler 1997, 52ff.; the connection between this case and ancient ideas on free speech was also made in Sluiter 2000.

statement of opinion or does it represent, not speech, but aggressive behavior, standing in for an outright attack? In the former case, it could claim First-Amendment protection, in the latter not. And what if it *is* a form of speech? What then is its correct translation? An opinion of the form 'I think you should not be living here'? In that case it could again claim First-Amendment protection. The opinion is offensive, but it can be combated in a free exchange of ideas. On the other hand, it is not hard to argue that the burning cross is more accurately translated into a racist threat. The distinction between words and acts on which the first Amendment is premised ('as long as we are talking, we're not shooting') is crucial in this case—but is it a valid one? Freedom of speech is not only a value that, like other societal values, is created through the use of language: in this case, the value is also *about* language, and one's view of language and the way it works may influence one's views on First-Amendment protection.

One way to look at the problem of freedom of speech, for instance, is through an application of the theory of the performative.[2] Linguists and philosophers have long been convinced that words and deeds are *not* necessarily essentially different. Words always 'do' things, like ordering or asking (this is their illocutionary force), some words (performatives) do what they say, e.g. when saying 'I promise', I have made a promise; however, in this case the performative is illocutionary, its action takes place within the confines of language. Other words presuppose that they are capable of having a direct effect in the world out there, e.g. when I have 'persuaded' you, you have undergone a change through my use of language only ('perlocutionary performatives').

So in the light of these ideas on how language works, one might rephrase the problem of the R.A.V. case: is the statement allegedly contained in the burning-cross symbol an intra-linguistic device, a so-called 'illocutionary performative'? Then it remains within the framework of language and deserves First-Amendment protection. However, might it not be considered a perlocutionary performative, a speech-act directly affecting its addressee? Hate speech may have definite perlocutionary effects, it seems, it is like getting hit, and produces the effect of physical paralysis.[3] If the burning cross was considered a perlocutionary perfor-

[2] See Austin 1979 and 1975; Searle 1969; for application to this case, see Butler 1997; Sluiter 2000.

[3] Lawrence, in Matsuda et al. 1993, 68; Butler 1997, 4. Cf. in a different (and much more benevolent) setting, Pl. *Meno* 80a f., see below section 3.

mative, it might not be granted First-Amendment protection—if the judges were willing to consider these views on language, which so far they have not been.[4]

In the Western world, the value of freedom of speech is generally believed to first emerge within the Greek world—it will be a point of debate in this book whether we are actually correct in thinking so, or whether a distinction needs to be made between our notions of 'freedoms', including freedom of speech, and a notion of 'free speech'. However that may be, free speech in classical Antiquity will be at the center of attention in this volume. After having explored the value of ἀνδρεία 'manliness', 'courage', in the first volume that came out of the Penn-Leiden Colloquia on Ancient Values (Rosen and Sluiter 2003), this second volume will concern itself with a set of issues that does not focus primarily on the construction of personal identity or communal group identity, but that will center on representations of power relationships, real or perceived, within society at large or smaller group formations, and on political ideology. These power relationships underlie the different practices of free speech, literary, social, military, philosophical or political. They are also important in ancient theoretical reflection on the topic of free speech. Just like *andreia* 'manliness', 'courage', 'free speech' is a concept that is constructed through language, and that lends itself to various kinds of rhetorical manipulation. In addition, however, free speech is also a concept that *concerns* language itself, that is somehow *about* language, and its societal functions, and this is an issue that we will briefly address in this introduction.

In keeping with our principle of firmly basing our investigations on the ancient lexicon, and only then extrapolating to wider-reaching conclusions, this is a book about παρρησία on the Greek side, and (mostly) *libertas* and *licentia* on the Roman side. This chapter will briefly introduce the semantics of παρρησία (section 2), then discuss the relationship between free speech and other contemporary views on language

[4] On formulating criteria for First-Amendment protection, see e.g. Matsuda 1993, 36ff. Butler 1997, 39 points out that only a perlocutionary interpretation of a speech-act (i.e. one that assumes a certain direct effect on the hearer) will identify speech and behavior to such an extent that legal action might be possible. As long as the speech act 'acts' in an illocutionary way only, i.e. within the framework that has been created by speech itself, First-Amendment protection will remain in force. Butler herself is of the opinion that the solution for 'hate speech' is not to be sought in legal regulation, but in the self-regulating potential of language, which is capable of creating new interpretative frameworks for even the most offensive utterances.

(particularly on rhetoric) in Antiquity (section 3). In section 4, we will briefly address the repression of free speech and the major differences that became obvious during the conference between Greek and Roman attitudes toward free speech. Section 5 gives a preview of the different contributions.

2. *The semantics of free speech*[5]

In contradistinction to *andreia*, which is invariably held to be a good thing (even when somebody perversely applies it to something which really *is* bad), and which is generally articulated as a value, virtue, and norm, *parrhêsia* may in and of itself be used as a simple descriptor, e.g. of a practice commonly associated with democracy, which may be evaluated as either a good or a bad thing depending on the views of the speaker. Given the frequent occurrence of the term in authors who endorse democratic political practice (e.g. Euripides, Demosthenes), its evaluation tends to be positive more often than negative in our fifth- and fourth-century sources. However, a first occurrence in a decidedly negative sense is found in Euripides *Orestes*, in the messenger speech describing the legal proceedings against Orestes. This is how the mob orator who will carry the day is described (902ff.):[6]

> Then there stood up
> a man with no check on his tongue, strong in his brashness
> He was an Argive, but no Argive, suborned,
> Relying on noise from the crowd and the obtuse license of his tongue,
> Persuasive enough to involve them in the future in some misfortune.
> (tr. Kovacs)

[5] We thank Michiel Cock for collecting most of these data on the semantics of παρρησία. In all passages cited below, the actual term παρρησία occurs in the same context as the words actually quoted. The concept of *parrhêsia* is discussed by Radin 1927; Peterson 1929; Schlier 1954; Scarpat 1964 (who also pays attention to the Latin terminology); Bartelink 1970; Raaflaub 1980 and 1985; Sluiter 2000; Foucault 2001 (these are the famous 1983 lectures). This section will concentrate on παρρησία. We will not go into the semantics of ἐξουσία (ποιητική) here (e.g. D.H., *CV* 19; Strabo 1.2.17), or on the Latin terms *libertas* (for which see Scarpat 1964), *licentia* (e.g., as 'open speech' *Rhet. ad Her.* 4.36.48–50; Quint. 9.2.27–28; as 'poetic licence', Hor. *AP* 46–59), *oratio libera* (e.g. Quint. 9.2.27–28) and *inreticentia* (*Carmen de figuris vel schematibus* 130). These concepts will be discussed by Raaflaub, Chrissanthos, and Braund in this volume. Nor is this the place to discuss (e.g. Stoic) notions of 'calling a spade a spade' (εὐθυρρημοσύνη), although this is also associated with παρρησία (see below).

[6] The verse in which the actual word παρρησία occurs is generally held to be an

κἀπὶ τῷδ' ἀνίσταται
Ἀνήρ τις ἀθυρόγλωσσος, ἰσχύων θράσει·
Ἀργεῖος οὐκ Ἀργεῖος, ἠναγκασμένος,
θορύβῳ τε πίσυνος κἀμαθεῖ παρρησίαι,
πιθανὸς ἔτ' αὐτοὺς περιβαλεῖν κακῶι τινι.

The negative impression left by παρρησία is due at least in part to the explicit adjective ἀμαθεῖ, but by this point of the description it is unlikely that even παρρησία by itself would have been interpreted positively. The man has already been described in terms that remind one of Thersites.[7] The mob orator is, moreover, opposed to the next speaker in the meeting, who is called courageous (*andreios*, E. *Or.* 918—contrast *thrasei* in vs. 903), and is described as someone who works the land with his own hands (*autourgos*, 920), but at the same time is smart about arguments (vs. 921).

Negative evaluations of *parrhêsia* are also found in Plato and in Isocrates, not only in connection with its political use (e.g. in the familiar passage from the *Areopagiticus*, Isoc. 7.20), but also e.g. in a personal social setting, as when the 'lover' in Plato's *Phaedrus* is described as importuning his *erômenos* with inappropriate praise and insufferable reproaches: when the lover also happens to be drunk, his words are not just insufferable but also embarrassing, since the lover avails himself of a 'wearisome and unrestrained explicit speech' παρρησίᾳ κατακορεῖ καὶ ἀναπεπταμένῃ, (Pl. *Phdr.* 240e6)—once more the negative connotation is enforced, and maybe even produced, by the addition of overtly negative adjectives—a procedure that is in itself fitting for the *vox media* constituted by παρρησία. 'Saying all' in itself is not evaluative in

interpolation, be it one that is entirely possible in the context of late fifth-century tragedy (Willink, ad loc.).

[7] Cf. especially the term ἀθυρόγλωσσος used here with ἀμετροεπής and ἀκριτόμυθε at *Il.* 2.212 and 246. Although in the *Iliad*, the *term* παρρησία is not used, a lot of attention is paid to Thersites' relation to language. In just three verses (*Il.* 2.212–214) the narrator mentions this aspect four times. He is called ἀμετροεπής, 'not knowing the right measure in words'; his verbal style is indicated by the verb ἐκολῴα 'he brawled' (*Il.* 2.212), and his most characteristic property ('what he knows in his heart') are his 'many words that recognize no κόσμος, no natural order' (2.213); moreover, he uses those for brazen and orderless (*kosmos*, again) fights with kings (2.214). Odysseus agrees with the narrator. He calls Thersites ἀκριτόμυθε, admits that he is a good speaker, but denies him the right to argue with kings since he is a worthless fellow himself (2.246ff.). On Thersites, cf. e.g. Rankin 1972.

a positive or negative sense.[8] Again, in Isocrates the word παρρησία may be closely linked with overtly negative phrases like (Isoc. 16.22): 'they revile with excessive indecency and audacity' (λοιδοροῦσι δὲ λίαν ἀσελγῶς καὶ θρασέως), or it may be put on an equal footing with κακηγορία.[9]

In democratic ideology, *parrhêsia* is a positive value, and again this positive evaluation is mostly emphatically reinforced by the context:[10] people 'flourish' in their *parrhêsia*,[11] it is associated with the courageous expression of one's beliefs, however unpopular they may be.[12] It always involves frankness,[13] and the full disclosure of one's thoughts[14]—in that sense it is opposed to dissimulation, hiding one's real thoughts[15] or the unpleasant truth, or to silence applied as a discourse strategy to get one's way,[16] as the strategy of a 'moderate politician',[17] or as the despi-

[8] For a discussion of the terms ἐλευθέρως λέγειν, ἰσηγορία and παρρησία, see Raaflaub 1985, 277ff.; cf. Raaflaub 1980, 31ff.; 35.

[9] Isoc. 11.40 (Busiris) περὶ μὲν τῆς πρὸς ἀλλήλους κακηγορίας … τῆς δ' εἰς τοὺς θεοὺς παρρησίας 'libels against each other … loose-tongued vilification of the gods' (tr. Van Hook).

[10] Cf. e.g. E. fr. 737 N. καλόν γ' ἀληθὴς κἀτενὴς παρρησία, 'true and earnest *parrhêsia* is a good thing'—implying that other varieties are conceivable. Unqualified declarations of the fact that *parrhêsia* is good, e.g. in Menander's *Sententiae* (line 60; 623 Jaekel).

[11] θάλλοντες, E. *Hipp*. 422.

[12] See the contributions of Balot and Roisman in this volume, and e.g. Pl. *Lg*. 835c4.

[13] Cf. Isoc. 2.3 'furthermore, freedom of speech and the privilege which is openly granted to friends to rebuke and to enemies to attack each other's faults' (tr. Norlin) (ἔτι δ' ἡ παρρησία καὶ τὸ φανερῶς ἐξεῖναι τοῖς τε φίλοις ἐπιπλῆξαι καὶ τοῖς ἐχθροῖς ἐπιθέσθαι ταῖς ἀλλήλων ἁμαρτίαις); Ar. *EN* 1124b29 'to speak and act openly' (λέγειν καὶ πράττειν φανερῶς).

[14] E.g. E. *Phoen*. 391 'to say what one thinks' (λέγειν ἅ τις φρονεῖ); Dem. 4.51 'and today, keeping nothing back, I have given free utterance to my plain sentiments' (tr. Vince) (ἃ γιγνώσκω πάνθ' ἁπλῶς, οὐδὲν ὑποστειλάμενος, πεπαρρησίασμαι). Notice that ἁπλῶς itself is also a signal word for the presence of παρρησία.

[15] κρυψίνους, X. *Ag*. 11.5; forms of ἀποκρύπτομαι, e.g. Dem. 6.31; Isoc. 12.218 (where this is actually deemed wise).

[16] Παρρησία is the favorite mode of expression of the Cynic philosophers, yet the Cynic Demonax shames the people into the right kind of behavior by just looking at them without saying anything, Lucianus *Vita Demon*. 64. On the Cynics, cf. Sluiter forthcoming

[17] As in the debate between Demosthenes and Aeschines on the right measure of participation in public discourse: a middle course between *polupragmosunê* (and a desire to make money) and a lack of commitment to the public interest. Cf. Aesch. *In Ctes*. 218 τὴν δ' ἐμὴν σιωπήν... ἡ τοῦ βίου μετριότης παρεσκεύασεν; 220; Dem. 18.308, which also deals with the problem that the general public is of course likely to engage in ἡσυχία, so that the speaker has to be careful to dissociate behavior that is reproachful in a politician from the legitimate behavior of the Athenian people as a body. We thank Tazuko van Berkel for her research on *parrhêsia* and silence.

cable attitude of someone lacking in political commitment.[18] Silence may of course also be imposed on a party, thus suppressing their access to free speech.[19] In *parrhêsia* there is no holding back, a concept often expressed by the verb ὑποστέλλομαι, 'to draw back, impose restrictions on oneself, refrain from saying'.[20] It is also linked in an interesting way with truth: the *parrhêsiast* must necessarily believe in the truth of what he is saying, or at least in the fact that to the best of his knowledge what he is saying is true.[21] Since frankness may also involve a certain lack of consideration for societal niceties,[22] it also becomes associated with an uncouth manner—this is how we find it as a form of comic *ponêria*. 'Calling a spade a spade' is part of the concept of *parrhêsia*.[23] It is strongly opposed to notions of 'flattery'.[24] And it is disinterested.[25] A passage that manages to bring together a great many of these aspects of the semantics of παρρησία is found at the end of Demosthenes' fourth Philippic oration (10.76):

> There you have the truth spoken with all freedom (παρρησία), simply in goodwill and for the best—no speech packed through flattery with mischief and deceit, and intended to put money into the speaker's pocket and the control of the State into our enemies' hands.
>
> (tr. Vince, adapted)

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[18] On ἡσυχία, cf. Balot in this volume.

[19] See Greenwood in this volume.

[20] E.g. Pl. *Ap.* 24a; E. *Ba.* 668; Dem. 4.51; 19.237; Isoc. 9.39.

[21] Cf. e.g. Dem. 11.17 εἰρήσεται γὰρ τἀληθῆ, 'for the truth will be told'; [Dem.] 60.26 τὴν παρρησίαν ἐκ τῆς ἀληθείας ἠρτημένην οὐκ ἔστι τἀληθὲς δηλοῦν ἀποτρέψαι, 'it is not possible to turn away *parrhêsia* from making clear the truth, since it depends on the truth'.

[22] It will not be πρὸς χάριν, e.g. Dem. 3.3; 4.51.

[23] Cf. n. 5 above. The proverb τὰ σῦκα σῦκα, τὴν σκάφην σκάφην λέγει ('he calls a fig a fig and a trough a trough') (Arsenius & Paroemiogr. Apophthegmata, Cent. 15, section 95b, line 1; cf. Apostolius, *Paroem.Gr.* [Leutsch] 658) is linked with the outspokenness of friendship ([Demetr.] *De elocutione* 239), and it is explicitly linked with παρρησία in Lucian's *Quomodo hist. conscr.* 41, in his description of what it takes to be a good historian: 'That, then, is the sort of man the historian should be: fearless, incorruptible, free, a friend of free expression and the truth, intent, as the comic poet says, on calling a fig a fig and a trough a trough etc.' (tr. Kilburn) (Τοιοῦτος οὖν μοι ὁ συγγραφεὺς ἔστω· ἄφοβος, ἀδέκαστος, ἐλεύθερος, παρρησίας καὶ ἀληθείας φίλος, ὡς ὁ κωμικός φησι, τὰ σῦκα σῦκα, τὴν σκάφην δὲ σκάφην ὀνομάσων). The reference may be to Aristophanes, see *CGF* (Kock) 451. We are grateful to the students of the 'free speech' seminar in Leiden, particularly to Casper de Jonge and Carolien Trieschnigg, for research on this issue.

[24] E.g. Dem. 9.3.

[25] Isoc. 15.43 εἰ μὲν οὖν μοι συνοίσει κατειπόντι τὴν ἀλήθειαν, οὐκ οἶδα.

> Ταῦτ᾽ ἐστὶ τἀληθῆ, μετὰ πάσης παρρησίας, ἁπλῶς εὐνοίᾳ τὰ βέλτιστ᾽ εἰρημένα, οὐ κολακείᾳ βλάβης καὶ ἀπάτης μεστός, ἀργύριον τῷ λέγοντι ποιήσων, τὰ δὲ πράγματα τῆς πόλεως τοῖς ἐχθροῖς ἐγχειριῶν.

Given that παρρησία is a word that, in and of itself, allows for very flexible application, and that will always confront us with the question of 'who gets to speak and what is it they get to say', the rhetoric of free speech is a particularly fruitful area of study. Power over discourse is a central feature in any societal equilibrium, and the perception of its importance and effects is bound up with what one thinks about the workings of language in general.

3. *The linguistics of free speech*

Oligarchs and aristocrats have their own views on free and equal speech. However, for an Athenian in the fifth and fourth centuries BCE the concept is especially poignant, and it is no coincidence that the 'Greek' papers in this volume mainly concentrate on that period. We want to argue that developments in theories of language and political developments go hand in hand in this respect, and that the ideology of language embodied in the concept of παρρησία is somehow related to views about the functioning of language emerging in the same period. The fifth century, of course, witnesses the rise of rhetoric, and the deep conviction that language is an instrument that can be used to influence other people. It is a form of behavior that can produce direct and momentous effects in the world out there—in that sense, the concept of 'perlocutionary effect' of the speech-act theoreticians was old news.

In Homeric society, speaking well is an essential skill for kings and leaders, and one that commoners can and should do without. One of the interesting effects of the radical political changes in the fifth century is that ever larger groups require such skills in more and more contexts (e.g. legal and political). It stands to reason that these are favorable circumstances for studying the persuasive effects of language, and such study will yield a more systematic insight into rhetorical techniques, which in turn will make it all the more desirable that the instrument of language be available to all on any given topic. Rhetoric is in part the result of democratic practice, and increases in turn the importance of free speech—for it is free speech which guarantees access to the powerful instrument of language.

There are good reasons to assume that particularly efficacious language had long been the province of poets, seers, and kings pronouncing judgment to express their special insight into the truth. Public speaking was, at least theoretically, the privilege of this small and select group.[26] And whereas early philosophers took a particular interest in language as the key to truth and reality, the conception of language as a tool, something to be used to persuade people, was the special contribution of the later fifth- century sophists. We will concentrate here in particular on the ideas of Gorgias, who made an overwhelming impression on the Athenians when he first visited their city in 427 BCE.[27]

Gorgias held the view that language and reality are incommensurable entities: when talking about a color, the means of communication is essentially different from the nature of the thing communicated—in that sense, real or direct communication through language is impossible, since language will always involve creating a 'version' of reality.[28] What one does in talking, is to influence the opinions of the audience with one's own version of reality, a representation which will always contain a form of deceit (ἀπατή). Language will not allow one to transfer knowledge, but eloquence will persuade people, and persuasion (πειθώ) is the purpose of eloquence.

In his *Praise of Helen*, Gorgias defends the reputation of the woman for whom people had gone to war. There are, he says, only four possible reasons for her to have followed the Trojan Paris: because of a decision of the gods, i.e. necessity; because she was forced by violence; because she had been persuaded by the power of the word; or because of Love (of course). The striking point is that under none of these circumstances is she to be blamed. Yet, how is it possible that if one allows oneself to be persuaded by words, one is not responsible for the ensuing action? That is because the *Logos* is a powerful master,[29] causing violent emotional reactions in the audience. It is a drug, a psychagogic medium,[30] and since one's psyche is somatic, it produces

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[26] Cf. Detienne 1967; Sluiter 1997, 155ff.

[27] In the light of Gorgias' own views on language (for which see below), it is interesting to note that Diodorus Siculus, who reports the visit, uses the word ἐξέπληξε for this effect (D.S. 12.53).

[28] Cf. Segal 1962, 109f.

[29] *Enc. Hel.* 8.

[30] *Enc. Hel.* 10b = 14: Just like some *pharmakoi* end illness, and others end life, 'so too some speeches cause sorrow, some cause pleasure, some cause fear, some give the hearers confidence, some drug and bewitch the mind with an evil persuasion' (tr. MacDowell) (οὕτω καὶ τῶν λόγων οἱ μὲν ἐλύπησαν, οἱ δὲ ἔτερψαν, οἱ δὲ ἐφόβησαν, οἱ δὲ

a 'bodily effect'—the perlocutionary force of language could hardly be expressed more clearly.[31]

A glimpse of this Gorgianic vision on language is also seen in Plato's *Meno*. There, the character Meno describes in similar terms the effect of total paralysis that Socrates' questioning produces in him (Pl. *Meno* 80a f.):

> And now you are casting your spells over me, and I am simply getting bewitched and enchanted, and am at my wits' end. And if I may venture to make a jest upon you, you seem to me both in your appearance and in your power over others to be very like the flat torpedo fish, who torpifies those who come near him with the touch, as you have now torpified me, I think. For my soul and my tongue are really torpid, and I do not know how to answer you. (tr. Jowett)
>
> καὶ νῦν, ὥς γέ μοι δοκεῖς, γοητεύεις με καὶ φαρμάττεις καὶ ἀτεχνῶς κατεπᾴδεις, ὥστε μεστὸν ἀπορίας γεγονέναι. καὶ δοκεῖς μοι παντελῶς, εἰ δεῖ τι καὶ σκῶψαι, ὁμοιότατος εἶναι τό τ' εἶδος καὶ τἆλλα ταύτῃ τῇ πλατείᾳ νάρκῃ τῇ θαλαττίᾳ· καὶ γὰρ αὕτη τὸν ἀεὶ πλησιάζοντα καὶ ἁπτόμενον ναρκᾶν ποιεῖ, καὶ σὺ δοκεῖς μοι νῦν ἐμὲ τοιοῦτόν τι πεποιηκέναι, [ναρκᾶν]· ἀληθῶς γὰρ ἔγωγε καὶ τὴν ψυχὴν καὶ τὸ στόμα ναρκῶ, καὶ οὐκ ἔχω ὅτι ἀποκρίνωμαί σοι.

The effect of Socrates' words is direct and physical, and Meno is powerless to defend himself against it—this is again an ancient description of the perlocutionary force of words.

It is this Gorgianic vision of language as an incapacitating drug, whose victims cannot be held responsible for their behavior, that seems to be underlying one of the most alarming tendencies of the Athenian Assembly. If a decision gets to be regretted or leads to calamitous results, the Assembly will not accept responsibility for it, but turns around and blames, charges, and condemns the proposer of the now reviled motion. And the grounds for doing so is that surely the speaker has deceived the Assembly (ἀπατή).[32] Only with hindsight can one

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εἰς θάρσος κατέστησαν τοὺς ἀκούοντας, οἱ δὲ πειθοῖ τινι κακῇ τὴν ψυχὴν ἐξεφαρμάκευσαν καὶ ἐγοήτευσαν).

[31] Cf. Segal 1962, 104ff. Physical effects are, e.g. a shiver of fear, or the tears that accompany feelings of pity, *Enc. Hel.* 9. According to Plato, too, Gorgias puts *peithô* in the soul, i.e. it is a physical addition to the soul, Pl. *Grg.* 452e. Cf.also Segal 1962, 133.

[32] The best-known example is probably the trial of the generals after the battle at the Arginusae and its sequel. After the generals had been tried and condemned to death in an unlawful way, the Athenians came to regret this procedure, and they decided to sue the ones 'who had deceived the people' (ἐξηπάτησαν, X. *Hell.* 1.7.35). The terminology of ἀπατή is standard in these cases. In *Gorgias*, the term is used in a more specific

establish whether a speaker was a courageous *parrhesiast*, who urged his honest conviction on the Assembly, or a deceiver, who used his words as dangerous weapons of persuasion to lure the people into pernicious action.[33] It takes a certain view on how language works to justify these side-effects of the ideology of *parrhêsia*. And the newly developed ideas on rhetoric provide the theoretical background to it.[34]

4. *Suppression of speech and strategies of circumvention*

In writing and thinking about free speech, one is inevitably also dealing with its repression—and that history, too, starts in classical Antiquity, both in the political and the artistic realm. In the *Iliad* (2.212ff.), Odysseus silences the subversive dissident Thersites, and in the *Odyssey* (1.374ff.) a first attempt to suppress an artistic voice, and hence to exercise literary censorship, is prevented when Telemachus tells his mother that she cannot stop the bard Phemius from singing about the homecoming of the Achaeans, even it the topic makes her sad.

Stesichorus' *palinodia* gives us the paradigmatic example of an author recanting, eating his own words, a first in a series of examples of authorial self-criticism studied in depth in a recent book by Obermeier.[35]

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way to refer to the inability of language to coincide with reality. Those are nuances that get lost in the wider use of the term. See further Hesk 2000. On the risks of political leadership, cf. Sinclair 1988, 138–161, particularly 1988, 152ff. on the 'general principle of personal responsibility for public acts', and 1988, 160 with n. 118 on the notion of 'misleading'. And cf. Balot in this volume, on e.g. Dem. 10.75 dealing with the revisability of decisions.

33 See e.g. Lys. 20.20 'For even when one of our citizens here persuades you with mischievous advice, it is not you who are to blame, but your deceiver' (tr. Lamb) (οὐδὲ γὰρ εἴ τις τῶν ἐνθάδε μὴ τὰ ἄριστα λέγων πείθει ὑμᾶς, οὐχ ὑμεῖς ἔστε αἴτιοι, ἀλλ' ὁ ἐξαπατῶν ὑμᾶς).

34 See also Schloemann 2002, esp. 144 on the effects of the emergence of rhetoric with its use of writing in the democratic audience's perception of the role of writing in the public sphere. Schloemann's book on 'Freie Rede' had not come out when this manuscript was finished.

35 Obermeier 1999, 20 distinguishes three main categories: (a) apologies to pagan deities or to God, with 'the author expressing a sense of having jeopardized his spiritual well-being'; (b) literary apologies to earthly audiences, mostly of women, repenting of earlier misogynistic attitudes; (c) apologies for varying literary offenses directed to a more general audience.In the Greco-Roman context, authors apologize mostly to divinities or women, 'primarily in *post-culpam* attempts to alleviate or avert punishment' Obermeier 1999, 43, cf. 21. Where women are involved, the apologies are mostly ironical. Cf. also Cairns 1978.

One can draw a virtually uninterrupted line between Stesichorus and the effects of censorship in the Republic of South Africa between the early 1960s and about 1980, as described by Coetzee in his 1996 book *Giving Offense*. The very existence of the office of, not 'censorship', but 'publications control',[36] 'by forcing the writer to see what he has written through the censor's eyes … forces him to internalize a contaminating reading'.[37] The same mechanisms of censorship may be observed in e.g. China and the former Soviet Union.

Throughout history, attempts have been made to suppress, curb, or destroy free speech, and time and again, classical Antiquity is where we have to look first—ironically the same place where we look for the birth of the concept of free speech. Book-burning and other forms of book-destruction in antiquity, for example, are studied at exhaustive classificatory length in Speyer 1981.[38] Destructive activities directed against books include 'Verbergen, Verbrennen, ins Wasser werfen, Zerschlagen von Ton- oder Bronzetafeln, Zerreissen von Papyrus oder Pergament'.[39] However, the existence of repression itself may have counterintuitive and paradoxical effects: on the one hand, it may enhance interest in a given text in the general public,[40] a phenomenon witnessed again in our time, e.g. in the case of Salman Rushdie. In fact, it may incite this interest even if the intrinsic quality of the text does not warrant it.[41] On the other hand, it may also stimulate the creativity of authors to find ways to escape detection, yet not so effectively that a knowing audience will themselves fail to apprehend their (veiled) meaning. Again, there is an example in myth in the violent imposition of silence on Philomela by Tereus, and her inspired used of embroidery to tell her story even without a tongue. Although the phenomenon of veiled speech is espe-

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36 Coetzee 1996, 34. The ratio of censors to writers was higher than ten to one.

37 Coetzee 1996, 36.

38 On book burning, see also Pease 1946. He explains the choice to burn books from the fact that (a) it is definitive; (b) it is suitable to make a public display out of it; (c) it exploits the purifying power of fire; (d) it produces a sympathetic magic effect, in that the books stand in for the author (1946, 158f.; cf. Speyer 1981, 30).

39 Speyer 1981, 25ff. Ray Bradbury's 1953 novel *Fahrenheit 451* has the ultimate theory of book-burning: it is the final solution to the cumbersome fact that there will always be somebody, some minority or interest-group, that takes offense over any given book. Better to burn the lot.

40 Cf. Pease 1946, 159.

41 Cf. Speyer 1981, 68 with n. 144 citing Tac. *Ann.* 14.50.2 'the books were sought after and frequently read as long as it was dangerous to get a hold of them; but soon, the fact that it was permitted to have them caused them to be forgotten' (*conquisitos lectitatosque* [sc. *libros*] *donec cum periculo parabantur; mox licentia habendi oblivionem attulit*).

cially connected with the language of Aesop, it can be observed especially on the Roman side, where literary free speech is thematized much more than the practical political aspects of free speech. In fact, it soon emerged during the conference that the Greek and Roman sources generally tended to offer decidedly distinct sets of questions: On the Greek side the issues constantly obtruding themselves concerned the status of *parrhêsia* as a right or otherwise, and the limits of *parrhêsia* (when is it acceptable, and when not? What contents and contexts does it involve? Who have it and who don't?). On the Roman side, the practice of veiled language was emphasized and problematized.

There are even artistic genres, from antiquity to the present, which seem to *depend* upon suppression and censorship—or at least the fear of it—for their very existence.[42] Satirical writers, for example, tend to assume that at least some segment of their audience will take offense at their work, and much of what they write about is inspired by a paradoxical, perhaps even perverse, co-dependence on their putative censors. We will find illustrations of this phenomenon from antiquity discussed in this collection, but one timely example leaps to mind: only a few weeks before this Introduction was written, the comedian Lenny Bruce was officially pardoned for his violation of American obscenity laws, nearly forty years after his death. Bruce's act, especially in his last years when he was continually being indicted on obscenity charges, increasingly thematized his legal skirmishes, to such an extent that one wonders what would be left for him to satirize if the law ceased to care about his material. There can be no scandalous discourse without someone to be scandalized, no call for *apologia* without an assumption that one is necessary, whether we are talking about Greek comic *aischrologia* or the 'four-letter words' of Lenny Bruce and his successors.

5. *In this volume …*

In this volume we will encounter the practice of free speech in different (at times intersecting) contexts, political, philosophical, social, literary, and military. Literary texts include Hesiod, tragedy, comedy, satire, Thucydides, Plato, Ovid, Vergil, and Tacitus. Some papers will look at

[42] Cf. Rosen and Marks 1999.

the politics of the concept and try to assign it a place in the history of concepts and ideas. Its special link with democracy will be investigated, but it will also be studied in connection with aristocracy and the Roman republic. Its philosophical use by Plato and Aristotle will be investigated. Some papers focus on the question of who the agents of free speech are, and who are excluded. And we will also see more lateral approaches, proceeding by way of extrapolation from what was learned from direct observation of the use of the term (as, e.g. in the paper by Hanna Roisman, or that by Eric Casey).[43] In general, what will emerge is the great variety of 'practices of free speech', not all reducible to the same theoretical concept or evaluation of it.

We begin in archaic Greece: Jeremy McInerney concentrates on *isêgoria* and relates this notion of equality in access to speech to the egalitarian circumstances imposed by the practice of colonization. He reconstructs the experience of colonization from archaeological evidence and from Homer and Hesiod (e.g. his list of sea nymphs), suggesting that our oldest poetic texts reflect the impact of the colonial experience on the poetic imagination (chapter 2). Kurt Raaflaub investigates notions of (political) equality, liberty, and free speech in aristocratic contexts, starting in archaic Greece, but then encompassing a sweeping range (Athens, Sparta, Rome); he explains why no counter-concept to rival democratic 'free speech' was ever developed in such contexts from the fact that equality within an exclusive group outweighed the notion of freedom (chapter 3).

In chapter 4, Eric Casey investigates the language ascribed to the dead, using funerary inscriptions as evidence. Although παρρησία is not explicitly at issue here, the discussion provides access, on the one hand, to the voices of women and children, parties excluded from public speech in life, and on the other hand, investigates several aspects of the issue of freedom and constraint of speech not dealt with elsewhere. The prematurely dead, for example, are paradoxically depicted as having a complete mastery of language, and yet are bemoaned for their lack of voice—Casey discusses these and other paradoxes of the communicating dead at length.

Chapters 5 through 8 deal with the classical literature of the fifth century, Greek drama and historiography. Extrapolating from what we

[43] Cf. Sluiter and Rosen 2003, 4 for the principle of starting from the lexicon, but not restricting oneself to places where the actual term itself occurs.

know about free speech, Hanna Roisman (chapter 5) studies women's free speech in Greek tragedy, particularly in the *Seven Against Thebes, Antigone, Agamemnon* and the two *Electras*. She demonstrates that women's public speech may not have been universally condemned, but that a more complex picture emerges particularly where women's speech serves as a vehicle of opposition to tyranny—in the service of such a public cause it may win approval, but it is not supposed to serve as a vehicle of personal expression. Even if women's speech may have been found disruptive and subversive in many circumstances, the material studied suggests that there was also room for other views. In chapter 6, Stephen Halliwell tackles the issue of comic free speech, and particularly the notion of αἰσχρολογία 'shameful speech', not as the object of legislation, but rather as a societal practice. He investigates Greek anxieties about shameful speech with its low-life implications, making use of the evidence of Theophrastus, and then concentrates on Old Comedy, where the dynamics of laughter and shame are profoundly changed by the performance setting; finally, he addresses the relationship between shameful speech and democratic ideology, pointing at the uneasy aspects of παρρησία. Alan Sommerstein provides a meticulous assessment of all the evidence about the alleged attempts to prosecute Aristophanes with a view to establishing what we can learn about attitudes among the Athenian public concerning slander in comedy (chapter 7). He concludes that comic satire was generally regarded as potentially damaging to its targets, and that Aristophanes was at some time charged as a result of his auctorial activities. However, attempts to seek legal recourse after comic slander decreased in frequency in the fifth century—it simply did not seem to work: writers of comedy were not to be held to a higher standard of reticence than anyone else. In chapter 8, Emily Greenwood analyses the relationship between spoken and written word in Thucydides, and looks especially into the role and function of silence in the *History*, suggesting a relationship between Thucydides' own practice as a historiographer, who determines and controls access to communication with his audience, and Pericles controlling the Athenians, if necessary by the imposition of silence.

Chapters 9 through 12 focus on Athenian democratic ideology and practice. In a provocative paper, David Carter argues that παρρησία in the Greek context cannot be considered a 'right'; the closest the Athenians come to that concept is in their view of 'freedom'. In the case of free speech, the 'right' is not protected, there is no recourse in having it taken away, and its undermining is not thought typical of tyrants.

Rather, παρρησία is an attribute of citizenship, a characteristic form of self-confident behavior that tends to accompany it (chapter 9). In chapter 10, Robert Wallace explores θόρυβος as a democratic instrument against the undesirable exercise of 'free speech': speakers in the Assembly could speak freely, but the *dêmos* was under no obligation to listen. Wallace defends the position that this instrument was used with discretion. Ryan Balot and Joseph Roisman study the practice of political rhetoric. In chapter 11, Ryan Balot analyses the conflict between the perceived benefits and the potential hazards of free speech, and relates it to an emergent discourse on civic courage, and its embodiment in Athenian public speakers. The speakers expressed the belief that it is their courage which enables them 'to make a unique contribution to the quintessentially democratic ideals of deliberation to which they subscribed'. At the same time, democratic free speech also produces courage. In chapter 12, Joseph Roisman reconstructs a different but complementary facet of the democratic relationship between free speech and courage, by setting out the role played by the values and ideology of masculinity and courage in the power struggles between the *dêmos* and the speakers. The people held the power, viewed themselves as more moral than the speaker, and could use the instrument of *thorubos* at all times. The speaker strongly projects the notions of manliness and courage to justify his free speech.

In chapters 13 and 14, we turn to philosophy. Marlein van Raalte demonstrates the special characteristics of 'Socratic' vs. 'Athenian' *parrhêsia*: a form of *parrhêsia* in which the ruthless search for truth, however unpleasing, is paramount. This requires certain features, a form of shamelessness among them, which makes the character of Callicles in the *Gorgias* an unexpectedly suitable fellow in nonconformist frankness. In the *Apology*, the unbridgeable gap between the Socratic practice of free speech and the wishes of the polis becomes clear; in the *Republic* and *Laws* the potential political consequences of the opposition between Socratic and Athenian *parrhêsia* are thought through (chapter 13). In chapter 14, John Mulhern refutes the Foucauldian suggestion that for Aristotle *parrhêsia* belongs to ethics, but not to politics, by demonstrating that categorial analysis can be applied to the Aristotelian notion of *parrhêsia* throughout his work, and that τὰ ἠθικά and τὰ πολιτικά can be brought under one system if one takes the point of view of the political actor, the πολιτικός. Παρρησία in Aristotle is not a virtue, it is a descriptor of a certain type of speech, which is sometimes rightly adopted and sometimes not.

The last four chapters take us into the Roman world. Stefan Chrissanthos demonstrates in chapter 15 that the notion of *libertas* and the concomitant exercise of free speech played a considerable role in the Roman military. Soldiers had relevant historical and contemporary political knowledge, which they used in communicating with their commanders. This in turn influenced the way military leadership shaped its strategy and the conditions of service. The exercise of free speech by Roman soldiers had significant effects on concrete campaigns. Chapters 16 through 18 concern literary representations of the need for veiled speech. Victoria Pagán reads the Orpheus story in Ovid against the disappearance of the praise of Gallus in Vergil's *Eclogues*, and conjures up the image of the silenced poet–politician from Orpheus' speech. She frames her contribution as an analysis of speaking before superiors (chapter 16). In chapter 17, Mary McHugh analyses the Tacitean vision on veiled and figured speech in the speech he gives to Cremutius Cordus, and particularly in the digression at *Ann.* 4.32–33, which frames his narrative of Cremutius Cordus' treason trial. Cremutius Cordus failed in his used of figured speech, where Tacitus himself succeeds. Susanna Braund studies Roman satire and the sometimes tense relationship between *libertas* and *licentia*, a striking example of how the rhetoric of free speech is constructed through a careful choice of terminology: *libertas* is always good, and if it refers to free speech, it will always be the good kind. *Licentia* implies going further than the norm: it may refer to a form of free speech that the speaker does not approve of, and it can be threatening. The threat of *licentia*, and the way it could confront the audience with unpleasant truths is always lurking behind the satirists' use of their *libertas*. And satire's critics will see *licentia* only.

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CHAPTER TWO

NEREIDS, COLONIES AND THE ORIGINS OF *ISEGORIA*

Jeremy McInerney

1. *Introduction*

The colonies of Magna Graecia appear an odd place to look for the origins of freedom of speech in Greek political thought. After all, we are more used to seeing *isêgoria* as a hallmark of Athenian democracy in the fifth and fourth centuries BCE. '*Tis agoreuein bouletai*?' ('who wishes to address the Assembly?') asked the herald, marking the opening of deliberations by the Assembly. The capacity of a free man to address the People was fundamental to the democracy, and to prevent a man from speaking was an assault not only on the 'rights' of the individual, but on democracy itself. Such is the complaint made by Demosthenes against Aeschines: οὐ γὰρ ἀφαιρεῖσθαι δεῖ τὸ προσελθεῖν τῷ δήμῳ καὶ λόγου τυχεῖν ('he has no right to deny me the chance of coming before and addressing the people', Dem. 18.13) The origins of freedom of speech, however, lie not in Athens, but in the new world of the colonies. It was here that the concept of equality (*to ison*) was wedded to the act of public speaking (*agoreuein*). The reason for this, I hope to show, is that colonial communities made *to ison* a concrete reality before the concept took root on the mainland.

Whereas Sparta, Corinth, and Athens grew organically, the colonial foundations in Magna Graecia were systematically planned and built on lots of equal size from the beginning. The colonists who sailed to these new communities did so having been offered equal status and, as we shall see, equal parcels of land.[1] Accordingly, long before abstractions such as *isonomia* (political equality) existed in Athens, an *isonomia* of a more literal sort had already been achieved in the colonies, the *isonomia* of equal plots of land. Megara Hyblaia was *isonomos* from the moment the first colonists arrived in the late eighth century, but Athens would have to wait another two hundred years until Harmodius

[1] Graham 1983, 59.

and Aristogeiton, in the words of the famous skolion, made it *isonomos*.[2] In the colony, dividing and allocating the land in standardized units established equality not as an abstraction, but as a guiding principle.

It was in the colonies, too, that participation in public deliberations was, for the first time, up for grabs. The new, planned, egalitarian colonial communities founded from the late eighth century onwards might rely on the authority of the *arkhêgetês* and oikist, but the community as a whole was a mix of settlers and fortune-seekers from all parts of Greece. As Anthony Snodgrass has noted, the complaint of Archilochus, that the 'ills of Greece have come together in Thasos' alludes to this heterogeneity.[3] In such communities traditional forms of aristocratic authority were strained. The novelty and vulnerability of the colony raised the specter of a Thersites who had as much right to speak as Odysseus. And why not? Who was to say that Thersites was trash, or that he had no right to quarrel with his betters? Who is better and who is worse in a community whose defining feature is that it is *isomoiros*?

2. *Colonial city planning*

The emphasis on equality in land allocations at colonial sites has been established by excavations of the last generation. Although regular, orthogonal city planning was once attributed to Hippodamus and was dated as late as the fifth century, by the early 1980s Italian archaeologists had reached the conclusion that orthogonal urban planning in Magna Graecia could be traced back to the beginning of the Greek colonies, two hundred years before Hippodamus.[4] Furthermore, the colonies of Magna Graecia exhibit more than just the axial planning of early sites like Smyrna in Asia Minor.[5] At the earliest sites in the West, excavation and survey have repeatedly demonstrated that the great partitioning of urban space took place at the precise moment of the colony's foundation. At this time, both the main settlement and the rural lands attached to the center were laid out according to a single

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[2] Ath., *Deipn.* 695a–b. On the definition of *isonomia* see Ober 1989, 74–75.
[3] Archil. fr. 102W, cited by Snodgrass 1994, 2.
[4] Mansuelli 1980, 39 refers to this charmingly as 'lo schema ippodameo *ante litteram*'.
[5] Giuliano 1966, 38–40.

plan.[6] This is remarkable, because, as Di Vita has recently pointed out, if there was no unified settlement pattern in cities such as Corinth around 750 BCE, then there could be 'no coherent, consistent model upon which [the Greeks] might have based the urban and political organization of the sibling colonies'.[7] The division of rural land also shows that it was in the colonies, not the mainland states, that private holdings consisting of regular and equal allotments were first created. This is dramatically confirmed by the archaeological record of three early Western colonies: Syracuse, Megara Hyblaia, and Metapontum.

At Syracuse, the Neapolis and Achradina sectors have revealed evidence of modular city planning *per strigas* dating to the eighth century. These blocks were 38 m. wide, separated by streets 3 m. wide. Furthermore, a major road ran north–south along the spine of the Ortygia peninsula. Perpendicular to this arterial road was a regular set of cross-streets, *stenopoi*, between 2.5 and 3 m. wide. These subdivided Ortygia into *insulae* between 23 and 25 metres wide. From the moment of its foundation c. 750 BCE Syracuse was planned as a broad, spacious, urban agglomeration. If one compares this with Iron-Age sites closer to the center of the Greek world, such as Karphi, or a contemporary site such as the Potters' Quarter at Corinth, the novelty and regularity of the urban program of the Western colonies emerges even more clearly. This evidence for detailed city-planning at the very earliest stages of the colony's life does not, of course, mean that a city sprang up over night. The actual processes of building temples and articulating the agora space, not to mention constructing walls and houses, went on for hundreds of years. In Syracuse in 700 BCE there may have been many empty lots, but the degree of urbanization is not the issue. What is truly significant is that from the earliest times of Western colonization these were planned communities, whose members were entitled to a measured share of the land.[8]

At Megara Hyblaia, the buildings of the *agora* already demonstrate alignment with the earliest houses, again dating to the late eighth century. The excavations of the 1970s and 1980s brought to light clear evidence for a regular grid, the existence of which dates from the very

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[6] Greco and Torelli 1983, 228–229; Malkin 1987, 186; Morel 1984, 140–141. On the standardization of cadastral units see Guy 1995, 427–444. See also Snodgrass 1994, 9 and Mertens 1998, 55–60.

[7] Di Vita 1996, 263.

[8] On colonial planning and building see Mertens 1998, 57–60. On city-planning in early Syracuse, see Voza 1989.

earliest phases of the site's Greek occupation. Within the *insulae* the houses were built in alignment with the master plan. George Vallet's summary is worth quoting in full:

> Nous avons les indications claires sur la disposition des maisons par rapport à la trame des ilots et aux rues: les premières maisons, celles du VIIIe siècle, sont déjà alignées conformément à l'une ou à l'autre des deux grandes orientations du quartier de l'agora …; ainsi dès l'installation des colons, les grandes orientations qui seront materialisées un peu plus tard jouent un role fondamental dans la disposition de l'habitat privé.[9]

The countryside was also surveyed and partitioned. Franco De Angelis refers to this as 'a land distribution scheme [which] would have guaranteed each family a plot of land outside the city on which to subsist'.[10]

The archaeological record from Metapontum, though even more complex in some respects than that of Megara Hyblaia or Syracuse, shows a variation on this theme of early equitable land distribution. The Greek colony now appears to have been laid out close to 600 BCE, not 650 as has often been assumed.[11] There is considerable evidence of earlier settlement in the immediate vicinity, at Incoronata and Andrisani, but the styles of pottery and structures suggest a mixed settlement, partly indigenous and partly Greek. The urban space of Metapontum underwent its first dramatic change around 700, when Incoronata and Andrisani appear to have come under the influence of a new settlement at Metapontum, possibly a colony from Siris. Around 600 BCE much of this settlement was destroyed by fire. Private dwellings, a sanctuary and the wooden bleachers of an assembly place all succumbed, either at once or successively. It is the new Achaean colony, founded c. 600 BCE, that exhibits the familiar characteristics of grid planning, central sanctuaries, and a spacious agora. Dieter Mertens refers to this division of the urban space into distinct sectors as 'un principe de base de l'urbanisme colonial'.[12] Even more striking is the creation of a grid of farm allotments in the *chôra* surrounding the city centre. Beginning in the alluvial plain and gradually extending into the hinterland, more than one thousand parcels of land were given out. The entire area was

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[9] Vallet et al. 1976, 301. In fact there appear to be two separate grids visible, both dating to the colony's earliest phase of settlement. No satisfactory explanation for the double system has been advanced.

[10] De Angelis 1994, 103.

[11] De Siena 1986, 135–136.

[12] Mertens 1998, 55.

systematically criss-crossed by roads and irrigation channels. On average the allotments encompassed 18.5 hectares of land, a large area that Mertens and Greco say would have required extra hands to work.[13] It is possible that the plan was designed to accommodate the growth of families over more than one generation.

The colonial polis, unlike its mainland metropolis, was unimaginable without an orderly, equitable division of the land. Exploitation of the land was, in fact, the *raison d'être* of many colonies, and, as Joseph Carter has recently observed, 'the most characteristic and visible expression of the new organisation of the *chôra* was the uniform division of the land into strips and rectangular plots'.[14] As a result, the social structure of the colonial community was quite distinct from the archaic polis of the mainland. The Greek polis, in Emanuele Greco's words, constituted 'the hub of a territorial system prevalently characterized by a network of villages (*kata kômas*)'.[15] The population of the colonial communities, by contrast, 'consisted of a kind of farmer-citizen who commuted to his urban home after the day's work in the fields'.[16] Of course, the rigid equality envisaged at the moment of foundation could hardly remain fixed. There was no guarantee that the same 1,000 *klêroi* of 3 *plethra* each would remain the holdings of the same 1,000 families forever (although that, in fact, seems to be the intention of the colonial charter from Corcyra Melaina).[17] The use, however, of standardized units suggests an intention of offering equal opportunities to the first comers.[18]

The political community that came into being under such conditions inevitably reflected this notional equality. When, for example, Metapontum was rebuilt c. 600 BCE the wooden bleachers of the assembly place were replaced with a vast new amphitheater capable of holding eight thousand people.[19] This building is unmatched by any structure on mainland Greece at the same time, but is comparable in

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[13] Mertens and Greco 1996, 246.

[14] Carter 1996, 362.

[15] Greco 1996, 236.

[16] Ibid.

[17] *Syll.*^{3} 141.9.

[18] Greco and Torelli (1983, 152) note that the Greeks employ the term *isomoiros klêros*, emphasizing that each new settler would get an equal share, and that these would be randomly distributed to guarantee fairness. The language of land allocation in modern times is equally revealing: Canadians speak of a 'concession', with its emphasis on the authority of the Crown, Australians use the term 'selection', emphasizing the selector's (or squatter's) choice, while Americans refer, more assertively, to a 'claim'.

[19] Carter 1994, 163–168.

design to the *ekklêsiastêria* of Agrigentum and Paestum. These buildings testify to the fact that in the colonies the question of political participation was framed differently from the way it was debated back in Greece. In both Homer and Hesiod the *basileis* battle to assert their traditional authority against all challenges. The colonial communities of Magna Graecia, on the other hand, were unfettered by inherited patterns of aristocratic authority. Their assemblies accommodated not just elders and counselors, but citizens by the thousands, referred to as the *dêmos*, *ekklêsia* or *sullogos*, or, in the Dorian colonies, the *damos* or *halia*.[20] It was here that political discourse would begin to give shape and definition to equality as a political concept.

3. *Myth and poetry*

Archaeology reveals the differences between the colony and mother city as physical environments. It is in myth and poetry, however, where we witness the impact of colonization on the mentality of the Greeks. One passage in the ancient literature stands out: Odysseus' famous description of the island off the coast of the land of the Cyclopes. It reads like a scouting report for a colonial expedition (Hom., *Od.* 9.130–141):

> … They could have made this island a strong settlement for them.
> For it is not a bad place at all, it could bear all crops
> in season, and there are meadow lands near the shores of the gray sea,
> well watered and soft; there could be grapes grown there endlessly,
> and there is smooth land for plowing, men could reap a full harvest
> always in season, since there is very rich subsoil. Also
> there is an easy harbour, with no need for a hawser
> nor anchor stones to be thrown ashore nor cables to make fast;
> … Also at the head of the harbor there runs bright water,
> spring beneath rock, and there are black poplars growing around it.
> (tr. Lattimore)

> οἵ κέ σφιν καὶ νῆσον ἐϋκτιμένην ἐκάμοντο.
> οὐ μὲν γάρ τι κακή γε, φέροι δέ κεν ὥρια πάντα·
> ἐν μὲν γὰρ λειμῶνες ἁλὸς πολιοῖο παρ' ὄχθας
> ὑδρηλοὶ μαλακοί· μάλα κ' ἄφθιτοι ἄμπελοι εἶεν.
> ἐν δ' ἄροσις λείη· μάλα κεν βαθὺ λήϊον αἰεὶ
> εἰς ὥρας ἀμῷεν, ἐπεὶ μάλα πῖαρ ὑπ' οὖδας.

[20] On the constitutional arrangements of the Western colonies see Sartori 1996, 215–222 (with bibliography).

ἐν δὲ λιμὴν εὔορμος, ἵν' οὐ χρεὼ πείσματός ἐστιν,
οὔτ' εὐνὰς βαλέειν οὔτε πρυμνήσι' ἀνάψαι,
...
αὐτὰρ ἐπὶ κρατὸς λιμένος ῥέει ἀγλαὸν ὕδωρ,
κρήνη ὑπὸ σπείους· περὶ δ' αἴγειροι πεφύασι.

The description evokes the ideal landscape for the colonist: soft meadows, rich soil, a well-wooded mountain for grazing flocks and hunting, and a naturally protected harbour, from where one could set sail 'to all the various cities of men'. Better still there are no humans present, there are no hunters on the mountains, and no flocks or herdsmen. Nor is there any plowing or planting. Kurt Raaflaub reads the Cyclopes' society as an anti-polis, but even more than that it is a description of what later colonizers would term *terra nullius*, land available for seizure by a colonial power. To the extent that there are indigenous inhabitants nearby, they scarcely count as human because their society has none of the hallmarks of civilization: cultivated land and organized political activity. The Cyclopes are said to have no institutions, 'no meetings for counsels', and their land stands uncultivated.[21] Perhaps the Greek inhabitants of Pithecusae liked to imagine that across the Bay of Naples there existed just such a society of savage and lawless locals.[22]

The Cyclopes are indigenous people demonized. Myth and poetry provided many other ways of addressing the confrontation with non-Greeks. Bruno d'Agostino, for example, has argued that the Heracles cycle, especially the stories of the cattle of the Sun and Geryon, employs the motif of cattle-duffing as a way of imagining the introduction of Greek modes of sacrifice and culture to non-Greek lands.[23] Irad Malkin has convincingly demonstrated that the *Nostos* mediates contact with non-Greeks, and Carol Dougherty has also shown how Greek poetry narrates the confrontation of Greek and non-Greek through stories of rape and marriage, envisaging forced assimilation.[24] But not all travel results in colonies, and founding a colony involves more than a chance encounter with an indigenous population. It is a deliberate act, beginning with a dangerous voyage over the sea and culminating in the

[21] Hom. *Od.* 9.105–480. Raaflaub 1993, 57–59.
[22] On relations between Greeks and local populations at Pithecusae, see Coldstream 1994, 53–55. For an overview of the confrontation between Greek and indigenous cultures in Magna Graecia see Morel 1998, 96–111.
[23] On Heracles and Greek sacrifice see D'Agostino 1996, 209–214.
[24] On the *nostos* see Malkin 1998; on poetry and colonization, see Dougherty 1993b.

creation of a wholly new human community.[25] The importance of this act, the creation of a new order, is reflected in Hesiod's treatment of the final victory of Zeus. Indeed a central theme of the *Theogony* is the allocation to the Olympians by Zeus of their functions and honours, as if they were divine colonists of the cosmos and Zeus was their *oikistês* (Hes. *Th.* 73–74):

> He subdued his father, Kronos, by might and for the gods
> made a fair settlement and gave each his domain. (tr. Athanassakis)
>
> κάρτει νικήσας πατέρα Κρόνον· εὖ δὲ ἕκαστα
> ἀθανάτοις διέταξε ὁμῶς καὶ ἐπέφραδε τιμάς.

The words apply to Zeus apportioning the lots of the gods, a divine instance of the distributions that, in the human realm, occurred not in Greece where towns grew up over the course of centuries, but in the colonies where parcels of land were allocated at the moment the colony came into being. Indeed, the very purpose of the *Theogony* is announced in Hesiod's invocation of the Muses using phrases that resonate with colonial associations (Hes. *Th.* 111–113):

> Tell of the gods born of them, the givers of blessings,
> how they divided wealth, and each was given his realm,
> and how they first gained possession of many folded Olympos.
> (tr. Athanassakis)
>
> οἵ τ' ἐκ τῶν ἐγένοντο, θεοὶ δωτῆρες ἐάων,
> ὥς τ' ἄφενος δάσσαντο καὶ ὡς τιμὰς διέλοντο,
> ἠδὲ καὶ ὡς τὰ πρῶτα πολύπτυχον ἔσχον Ὄλυμπον.

Like a colonial polis, Olympus is at the center of newly occupied territory. Like a colonial *chôra*, the territory is further divided into realms for each of the newcomers. But even after it has been seized there is the danger that hostile natives, in this case the Titans, will rise up to win it back. Only after the native uprising has been put down—the Titanomachy—can the colonists be secure in the division of spoils. In the poetic version of this episode, it is honors and power that are distributed by Zeus to the Olympians. This apportionment takes place immediately after the defeat of the Titans (Hes. *Th.* 881–885):

> But when the gods achieved their toilsome feat
> and by brute force stripped the Titans of their claim to honor,
> then, through Gaia's advice, they unflaggingly urged

[25] On the sea as threat, see Picard 1938, 128.

Olympian Zeus, whose thunder is heard far and wide, to rule
over the gods, and he divided title and power justly.

(tr. Athanassakis)

αὐτὰρ ἐπεί ῥα πόνον μάκαρες θεοὶ ἐξετέλεσσαν,
Τιτήνεσσι δὲ τιμάων κρίναντο βίηφι,
δή ῥα τότ' ὤτρυνον βασιλευέμεν ἠδὲ ἀνάσσειν
Γαίης φραδμοσύνῃσιν Ὀλύμπιον εὐρύοπα Ζῆν
ἀθανάτων· ὃ δὲ τοῖσιν ἐὺ διεδάσσατο τιμάς.

The same association with apportioning occurs in Alcman's description of Zeus, '… who has allotted them his own lots, and distributed his own portions' (fr. 65 Page).

Hesiod's Olympians colonize Olympus, and Zeus's divisions and distributions call to mind the actions of another oikist, Nausithoös. Describing the founding of the Phaeacians' perfect community after their departure from Hyperia, Homer reports (*Od.* 6.7–10):

From here godlike Nausithoös had removed and led a migration,
and settled in Scheria, far away from men who eat bread,
and driven a wall about the city, and built the houses,
and made temples of the gods, and allotted the holdings.

(tr. Lattimore)

ἔνθεν ἀναστήσας ἄγε Ναυσίθοος θεοειδής,
εἷσεν δὲ Σχερίῃ, ἑκὰς ἀνδρῶν ἀλφηστάων,
ἀμφὶ δὲ τεῖχος ἔλασσε πόλει καὶ ἐδείματο οἴκους,
καὶ νηοὺς ποίησε θεῶν καὶ ἐδάσσατ' ἀρούρας.

The allocation of land was the human equivalent of Zeus's allocation of honors, and was one of the key acts in the establishment of a colony, whether by a mythical figure like Nausithoös or by a slightly more historical oikist such as Battus. In the story of Cyrene's founding, the original Battus founds a colony that barely survives for two generations. It is under his grandson, Battus the Fortunate (Eudaemon) that the Cyrenaians announce an *anadasmos*, a land distribution that Delphi authorizes with the words (Hdt. 4. 159),

He who comes to lovely Libya hereafter
Once the land has been apportioned, I say will later regret it.

ὃς δέ κεν ἐς Λιβύην πολυήρατον ὕστερον ἔλθῃ
γᾶς ἀναδαιομένας, μετά οἵ ποκά φαμι μελήσειν.

Though there are few foundation decrees extant from historical colonies, those that survive prove the importance of the land division (*anadasmos*). In the regulations for Athenian colony of Brea (*IG* I^3 46), for

example, the first action stipulated after the sacrifice on behalf of the colony is the selection of ten *geônomoi*, whose task is to divide and allocate the land (7–9). The only colonial charter to survive giving details of the *anadasmos* is from Corcyra Melaina, where the choicest land was assigned to the first colonists. The charter stipulates that one and a half plethora of this prime land was to remain inalienable.[26] Finally, a decree from Western Locris specifies the partition of land near Amphissa and promises exile and the confiscation of property to anyone who 'makes civil strife concerning partition of the land'.[27]

4. *Free speech and the colonial experience*

The physical configuration of the colonies, with its stark emphasis on equal plots of land, embedded equality in the political life of the colonies. Accordingly, the principle of an 'aristocracy of first settlers' was never entirely secure.[28] Instead, the colonial experience will have focused attention on the skills needed for the citizen-farmer to participate in a political life open equally to all new settlers. Foremost among these was the ability to speak forcefully and persuasively. The Homeric code valorized this skill as the mark of a hero—Phoenix, after all, claims that Peleus sent him to teach Achilles how to be 'a speaker of words and doer of deeds' (Hom. *Il.* 9.443)—but colonies raised the possibility that an ordinary man might distinguish himself. In Athens, for example, rhetors and generals tended to come from the upper echelons of society, but the Athenian colonists to Brea were drawn from the *thetes* and *zeugitae*.[29] Colonies offered equal opportunity not only to acquire land but also distinction. Because our sources for political affairs in the colonies are dominated by the stories of tyrants and *stasis*, it is easy to forget that founding a colony was a heady mixture of danger and opportunity. Once again, this is reflected in the poetry composed during the first wave of colonization, and can be seen most clearly in Hesiod's treatment of the Nereids.

Nereus and his daughters are distinctly different from the other children of Pontos: Thaumas, Phorkys, and Keto, whose progeny range

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[26] *Syll.*^{3} 141. and Graham 1983, 59.
[27] Buck 1955, 257 (no. 59 line 11).
[28] Sartori 1980–1981, 265–266.
[29] *IG* i^{3} 46.40–42.

from Iris and the Harpies to Chimaera and the Sphinx. In contrast to these monsters, Nereus is benign. Although he is sometimes depicted with the body of a fish, he is equally often presented in entirely human form, riding a hippocamp.[30] Primarily he is an oracular figure. Hesiod, for example, describes him as 'telling no lies' and adds (Hesiod, *Th.* 234–236),

> they call him the old man
> because he is honest and gentle and never forgetful
> of right, but ever mindful of just and genial thought.
>
> (tr. Athanassakis)[31]

> αὐτὰρ καλέουσι γέροντα,
> οὕνεκα νημερτής τε καὶ ἤπιος, οὐδὲ θεμίστων
> λήθεται, ἀλλὰ δίκαια καὶ ἤπια δήνεα οἶδεν·

Black-figure vases frequently depict him wrestling with Heracles, being compelled to reveal the way to the Garden of the Hesperides.[32] More magical than monstrous, Nereus is the bridge between the world of the deep sea and the world of men. He is a guide who, if mastered, will truthfully point the way to the West, showing travelers how they may reach their distant destination. In an age of trade and colonization, he is one of the few reassuring figures in the ethnographic imagination of the Greeks.

Like their father, the Nereids are not especially fearsome. In fact, they are often shown fleeing, either from Peleus as he grabs Thetis, or from Heracles as he destroys their father's house.[33] These are not dangerous sea-deities, sirens singing men to their doom. Nor are they

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[30] Nereus with human body: *LIMC* s.v. Nereus 13–15, 34–51; with fish body *LIMC* s.v. Nereus 1–12, 16–33.

[31] See also E. *Or.* 360. Nereus foretells the woes of Paris and Helen (Horace, *Carm.* 1.15). Aristotle (= Athen. 7.47 296c) mentions an oracle of Neleus and his daughters on Delos.

[32] Nereus' struggle with Heracles is first mentioned in Pherecydes (*FGrH* 3 F16a) and is a popular subject on vase painting: see *LIMC* s.v. Nereus 16–51. Boardman 1972, 59–60 has suggested that the struggle between Nereus and Heracles is an allegory of Peisistratid trade ambitions, but these earliest depictions either predate Peisistratus or are non-Athenian. Nereus is also often shown observing the heroic deeds of Heracles: see *LIMC* s.v. Nereus 106–127.

[33] The earliest depictions are a seventh-century tripod foot showing the Nereids watching the abduction of Thetis (*LIMC* s.v. Nereides 291) and an architrave from Assos, c. 550 BCE, with the Nereids running away as Heracles wrecks their house (*LIMC* s.v. Nereides 265). Aside from the detailed collection of illustrations in *LIMC* a thorough and nuanced treatment of the Nereids can be found in Barringer 1995, replacing Heydemann 1879, Gang 1907, Fischer 1934, and Deichgräber 1965.

monsters with the bodies of sea-creatures. Instead they are usually depicted as part of a marine *thiasos*, riding on the backs of sea animals: hippocamps, sea-serpents, even a cuttlefish, but most commonly dolphins.[34] This is a significant association, since dolphins figure in Greek myth as benevolent escorts. Arion and Melicertes/Palaemon are saved from drowning by dolphins, and it is in the form of a dolphin that Apollo leads the Cretan priests to Crisa to serve his new shrine at Delphi.[35] Nereids, therefore, are a friendly presence, as comforting to humans at sea as the sight of dolphins leaping ahead of the ship's prow. In time this specifically maritime setting would lose its significance, and the Nereids would serve as divine escorts to characters undergoing, in Judith Barringer's words, 'a critical life transition'. It is in this guise that they appear in the mythology, guiding Europa, Thetis, Heracles and Theseus through the crises of marriage or death. But such narratives are, as Barringer observes, 'derived from their popular religious function as escorts or protectresses of sea travelers'.[36] It is in the archaic period that the Nereids first came into their own, as divine companions on the supreme adventure of the age, the journey west to the colonies of Magna Graecia.

The connection between the Nereids and the great wave of western colonization in the eighth and seventh centuries BCE is first suggested by their names in the *Theogony*. Most of the names in Hesiod's catalogue of Nereids fall into three distinct groups.[37] The first group consists of names explicitly connected with the sea.[38] A second category consists of

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[34] 486 scenes, in media ranging from gems to textiles, are illustrated in *LIMC* s.v. Nereides. See, for example, 343 (Apulian pelike, c. 360) showing Nereids riding dolphins, hippocamps, sea-serpents and fish (tunny?); 339 (Boeotian stamnos, c. 425) hippocamps and dolphins; 454 (Apulian dinos, c. 330) dolphins and cuttlefish.

[35] On dolphins in Greek myth see Burkert 1983, 196–204.

[36] Barringer 1995, 10–12.

[37] The exceptions are Thetis and Amphitrite. On Thetis see Fischer 1934, 81–82 and Slatkin 1991. The etymology of Amphitrite is also unclear. If from *tetraino*, then the name would mean something like 'Twice Piercing', perhaps a reference to the double action of waves both hitting rocks and gouging out caves as they recede. Three other names do not fit readily into the scheme proposed here: Proto, Euarne, and Doris. Proto's name may simply suggest her role as leader of the chorus. It has also been suggested that Proto is a mistake for Ploto ('Floating'); see Beazley *ARV* 1142 (Xenotimos painter). Euarne appears to mean 'well stocked with sheep' (Shepherdess?), perhaps a reflection of the colonists' desire; West 1966, 240 suggests the name is a repetition from the list of Oceanids. Doris can mean the Dorian girl, and is also the name of a type of basil.

[38] Halia ('Sea-Girl'), Halimede ('Sea-Resolve'), Kymo ('Wave'), Kymothoe ('Swift-Wave'), Kymatolege ('Wave-Stiller'), and Kymodoke ('Wave-Receiver'). Some names

names that evoke the traveler's view of the sea, a view tinged with anxiety and a desire to propitiate the divinities who can decide the traveler's fate. Such names include Eupompe ('Good Journey'), Pontoporia ('Sea-Passage'), Pherousa ('Conveyer'), Lysianassa ('Lady Deliverance') and if he is lucky, at the end Eulimene ('Good Harbour').[39] Little wonder that when the Persian fleet was destroyed off the coast of Magnesia the Magi recommended sacrificing to Thetis and the Nereids.[40] They were a powerful aid to voyagers, even those invading Greece. But there also exists a third class of names that defy categorization according to either maritime or travel associations: Eukrante, ('Good ruler'), Protomedeia ('First Counsel'), Leiagore ('Addressing the People'), Euagore ('Good Speech'), Laomedeia ('Counsel the People'), Poulynoe ('Thoughtful'), Autonoe ('Sensible'), Themisto ('Justice'), Pronoe ('Forethought'), and finally, Nemertes ('Truth'). These names unmistakably evoke the world of public assemblies, and describe ethical qualities appropriate to men in public life. Why should they be the names of aquatic nymphs, and why should they be mixed in with other names that relate to the sea and sea travel? Scholars have tended to classify these names as political virtues and to explain them as references to qualities associated with Nereus.[41] Yet this leaves unexplained why there should be any connection at all between either Nereus or his daughters and a set of political virtues. Even if names such as Nemertes evoke Nereus' oracular role,

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are not exclusively nautical but are commonly associated with the sea: Galene, for example, means 'Gentle', but is used to describe a calm sea. Thoe can mean 'Swift' but is also applied to sharp headlands. Glauke has the general meaning of 'Gleaming', but most often describes the sea. The one instance of this adjective in Homer is *Il.* 16.34, when Patroclus berates Achilles for staying out of the fray and claims that it was the *glaukê thalassa* that bore him, not Thetis. At *Th.* 440, in the aretalogy of Hecate, Hesiod uses *glaukê duspemphelos* to describe the sea. In the context of the marine *thiasos*, Hippothoe ('Horse-Swift'), Hipponoe ('Horse-Sense') and Menippe ('Abiding-Horse') probably refer to hippocamps riding the waves rather than horses galloping on land. These waves can be seen at sea, but they also break on the shore. Here we find Eione ('Sea Shore'), Psamathe ('The Strand'), mother of Phokos the Seal. And close to the shore are caverns and grottoes, evoked by the name Speio ('The Cave').

[39] On his journey the traveler can perhaps glimpse Nesaia ('Island Girl'), Aktaia ('Coastal Girl'), Neso ('Island Girl'), and propitiates the daughters of Nereus by reciting their names as if they constituted an aretalogy: Eudora ('Good Gift'), Pasithea ('All Seeing'), Erato ('Lovely'), Sao ('Saviour'), Eunike ('Good Victory') Melite ('Honey'), Doto ('Giver'), Dynamene ('Powerful'), Panope ('All Seeing'), Galateia ('Milky'). West 1966, 240 suggests understanding Eudora as a fisherman's view of the Nereids. A shrine erected to Doto is mentioned by Paus. 2.1.8.

[40] Hdt. 7.191. See also Paus. 3.26.7.

[41] West 1966, 236, Picard 1938, 136; and Deichgräber 1965, 175–207.

the relationship between the Old Man of the Sea and terms such as Leiagora and Laomedeia is opaque.

In fact, this poetic blending within a single genealogy of a natural element (the sea), a human experience (the voyage) and a set of ethical qualities is better understood when compared to the genealogy that immediately precedes it. The catalogue of the Children of Night is composed the same way and can be read as a counterpoint to the Nereids. Here too we find a natural element, Night, and a set of human experiences associated with that element: Ker, Oizys, and Eris (Death, Distress, and Strife). Once again the list culminates in abstractions personified, but instead of Leiagora and Nemertes we have their opposites: Quarrels, Lies, Argument and Counter-Argument, Lawlessness, Ruin, and Oath. (*Th.* 211–232). In both lists, then, there is the same blending of disparate elements, some human and others not. Given the repetition of this pattern in the Nereid genealogy it seems inadequate to assert that the anomalous names in the Nereid list are meant merely to recall their father's reputation for honesty. Rather, they reflect a central theme of Hesiod's poetry, namely, that the physical, moral, and political universes are interwoven.

Furthermore, the Nereid list, when read against the Children of Night, uses the act of speaking to mark man's ambiguous place in this complicated cosmos.[42] Speech occurs in infinite variety: prayers, oaths, utterances, quarrels, lies, advice, oracles, songs. Some of these speech acts are opaque, others deceptive—the Muses, after all, know how to utter false things—and the *agora* is an especially dangerous spot for deceptive speech, but the names of the Nereids hint at a discourse that, ideally, is sensible, just, and truthful, because, like their father, the Nereids embody truthfulness.[43]

For Hesiod, the ability to speak well is a gift from the gods, conveyed to man by the power of the Muses (Hes. *Th.* 83–84):

> they pour on a king's tongue sweet dew
> and make the words that flow from his mouth honey-sweet.
> (tr. Athanassakis)

> τῷ μὲν ἐπὶ γλώσσῃ γλυκερὴν χείουσιν ἐέρσην,
> τοῦ δ' ἔπε' ἐκ στόματος ῥεῖ μείλιχα·

[42] According to Leclerc 1993, 155, 'Les allusions à la parole humaine participent au processus de séparation des hommes et des dieux.'

[43] On the dangers of the *agora*, see Hes. *Op.* 27–29; on Nereus and his daughters as oracular figures, see Ninck 1921, 46.

Persuasive speech is here imagined as a marker of royal power deriving from the special relationship between kings and heaven. Similarly, in the aretalogy of Hecate, Hesiod connects those preeminent in Assemblies, presumably thanks to their eloquence, with divine approval (Hes. *Th.* 430–431):

> In trials her seat is at the side of illustrious kings,
> and in assemblies the man she favors gains distinction.
>
> (tr. Athanassakis)

> ἔν τε δίκῃ βασιλεῦσι παρ' αἰδοίοισι καθίζει,
> ἔν τ' ἀγορῇ λαοῖσι μεταπρέπει, ὅν κ' ἐθέλῃσιν·

Yet there is a difference between the Homeric and Hesiodic treatments of eloquence. Homeric eloquence is entirely the prerogative of kings. A commoner who dares to speak, even if he is a clear speaker (*ligus agorêtês*) like Thersites, risks a thrashing from his betters. Through the Nereids, Hesiod connects public speaking and truthfulness with the sea and the sea-crossing, using figures widely associated with Heracles' Western journeys into the lands being colonized for the first time during Hesiod's own lifetime.[44] What the Nereids bring to mind are not the old established communities of Greece, with their bribe-eating *basileis*, but the new, overseas colonies, where status and rank are up for grabs. In short, the Nereid list reflects widespread, contemporary experience: the colonial expedition, consisting of a dangerous sea-voyage followed by the founding of (ideally) a well-ordered human society, the Greek colony. Hesiod's poetry shows the impact of a fundamental experience of his age (which is not to say that all Hesiodic poetry should be read as an allegory of colonization!).[45] Colonization was in the air. Moreover, connecting seafaring with commentary on political matters is not unique to Hesiod's poetry, however odd it may seem to us. Archaic poets were fond of exploiting the allegorical possibilities of the sea-

[44] On Heracles' Western journeys see d'Agostino 1996, 209–214.

[45] To the objection that Hesiod famously avoided sea journeys (*Op.* 685–765), one need only observe that Shakespeare did not need to visit Bermuda to write the *Tempest*, nor was Daniel Defoe ever shipwrecked. Both writers, however, did live in the Age of Exploration, and their works reflect this.

Other ways in which the colonial experience left its mark on poetry have been investigated with nuance and care by Malkin 2000 and 2001. The first of these articles demonstrates how the *Homeric Hymn to Apollo* treats the founding of Delphi according to the tropes and norms of a colonial foundation story, while the second reads the nymphs of the *Odyssey* as mediators between the maritime and terrestrial worlds, arguing that they offer a 'proto-colonial perspective' (p. 12).

voyage, with its uncertainties and dangers. Alcaeus was so addicted to it that Heraclitus complained that he went overboard in his use of the nautical allegory in his political poems, likening the evils caused by tyranny to storms on the ocean.[46] It was a short poetic step from the sea to the political community, as the early appearance of the Ship of State among the tropes of archaic poetry confirms.

The Nereids are an appropriate evocation of the colonial expedition not only because they can personify the voyage but also because, as a chorus, they represent the colonial community itself. That they are a chorus is shown by the references to them as 'hundred-footed'. As Claude Calame has shown, the archaic chorus was an institution whose functions included the confirmation of social identity. He writes, 'the choral group was generally composed of fewer than twenty chorus-members, mostly young women, whose cohesion was guaranteed by the fact that they were bound together by age similarity, by ties of "companionship", and because they often had a collective appellation'.[47] Drawing on Turner's work on ritual processes, Calame emphasizes the internal cohesion within the group, termed *communitas*, and the importance of the equality and camaraderie nurtured within the chorus for the social identity of the individual. Its members, we might say, were members of a team. Community, social identity, equality: these are the very ingredients of social life that the colonists lacked as they assembled in the mother city, but which would be vital to the survival of the colony. The chorus, with its emphasis on cooperation and harmony, is a suitable model for the new community.

Hesiod's band of Nereids, then, reflects a realization that the problems of founding a colony were more than just a matter of logistics. The dilemma of colonization was how to establish a cohesive community from scratch. The colonial poleis would be populated by men coming from a world marked by sharp distinctions of rank and inequalities of birth and wealth, but they sailed, in the words of the Oath of the Founders at Cyrene, 'on equal and similar terms'.[48] The transition from

[46] Heracl. *Alleg. Hom.* 5 (= Alcaeus, Bgk fr. 19): 'The Islander (Alcaeus) puts to sea excessively (*katakoros thalasseuei*) in his allegories.' For other nautical metaphors and similes see Theognis 575–576, 619–620, especially 667–682 and 855–856, 1361–1362 (erotic). For seafaring as an allegory for poetic composition in archaic Greek poetry, see Rosen 1990 and Dougherty 2001.

[47] Calame 1997, 258.

[48] *SEG* 9.3. The same guarantee was given by the Corinthians to the volunteers they sent to the relief of Epidamnus in 435 BCE; see Thuc. 1.27.1.

a world of entrenched elites to the egalitarian world of the colonies was fraught with anxiety. In the story of Cyrene's founding, for example, Herodotus emphasizes the unwillingness of the participants to obey Apollo. Ordered by the god to build a city in Libya, the Theraeans under Grinnos leave Delphi and put the god's injunction out of their minds, 'neither knowing where the land of Libya might be, nor daring to dispatch a colony to a land they had never seen'.[49] Furthermore, the Oath of the Founders envisages the return of the colonists after five years 'if they are oppressed by hardship'.[50] Similarly, Strabo (6.1.12) tells a story of the deliberate burning of the Achaeans' ships by their Trojan wives when they reach Croton. The decision to stay in Italy was almost as desperate as their earlier decision to leave Troy. Even if the foundation survived, *stasis* was common, exacerbated by the tendency of ethnic groups to maintain their separate identities within the new community.[51] Nor did the interest in equality expressed by colonial planning and architecture guarantee a transition to democracy. The Sicilian cities of the Classical period were better known as the breeding grounds of tyrants than as vibrant democracies. Nevertheless, an idea of equality took root as a result of Western colonization.

5. *Conclusion*

Homer and Hesiod both reflect the impact of the colonial experience on the poetic imagination of the archaic period. For the Greeks colonization began with a magical and dangerous journey across water. On the way the Nereids, kindly escorts sometimes in the shape of dolphins, would lead them on a physical journey from mainland to new land, a journey whose mytho-poetic analogue was the journey from the world of frightening monsters, human suffering, and civil discord to a land of rich soil, close to the sea and well watered. It was waiting to be transformed into a human society where those with the ability to speak well and to offer good counsel would find their skills rewarded, whatever their status. It would be an exaggeration to claim that the Western colonies were forerunners of classical democracy, but it is not an exaggeration to say that without them there would have been no

[49] Hdt 4.150.
[50] Hdt 4.150; for the Oath of the Founders see *SEG* 9.3.
[51] Graham 1983, 14–22.

marriage of equality (*to ison*) to public speaking (*agoreuein*), and hence no *isêgoria*. The colonies held out the possibility that any citizen could answer the herald's call in the Assembly. Once that notion was brought back to mainland Greece, like Arion on the back of a dolphin, it was only a matter of time before the people began listening just a little more attentively to Thersites.

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CHAPTER THREE

ARISTOCRACY AND FREEDOM OF SPEECH IN THE GRECO-ROMAN WORLD

Kurt A. Raaflaub

1. *Introduction*

Recent scholarship has been emphasizing the need to overcome 'Athe-no-centrism'. Even democracy and equality, among other values, we are told, were much more widespread in Greece, and Athens was much less special or unique than we used to think.[1] This is true enough in some respects, but in others Athens and its democracy were in fact quite unique and special. This concerns not least the topic of this volume, 'freedom of speech'. In a general way, of course, in daily and social life it existed in most societies; even in political life it was quite common, at least in the form of improvised expressions of opinion, such as heckling and shouting.[2] But it was democracy that not only turned it into a prime political and communal value, but also realized it to the fullest extent that was possible in antiquity,[3] conceptualized it, and created a specific term for it.

This concept, in fact, was so thoroughly democratic that opponents of democracy could only turn away from it in horror. They criticized it, denounced it, and ridiculed it, but they never adopted it for their own use. In other cases, they responded to the development of specifically democratic terminology and ideology with their own, emphatically different, interpretation of the same terms, informed by their own ideology. Against the democrats' inclusive interpretation of *dêmos* (all citizens, equivalent to the entire polis, *pasa polis*) they set a restrictive, exclusive

[1] E.g., Morris 1996, 1998, 2000; O'Neil 1995, Robinson 1997.

[2] See Wallace's and Chrissanthos' chapters in this volume. For broad surveys of freedom of speech in the ancient world, see Momigliano 1971, 1974.

[3] No ancient society enfranchised women and abolished slavery (it took almost another two-and-a-half millennia of humankind's social and intellectual development to achieve this). Nor were these barriers attacked by even the most radical 'free thinkers' in classical Greece, who otherwise exposed powerful traditional differentiations such as those between elite and commoners, Greeks and barbarians, or even free and slaves, as socially based and mere conventions; see Guthrie 1969, 152–163.

interpretation: all but the elite (and perhaps the landowning farmers), hence the rabble, the masses. They countered the democrats' 'arithmetic or linear' with their own 'geometric or proportional' understanding of equality.[4] And while the democrats acknowledged every person who was free (*eleutheros*, that is, not a slave) and met the criteria for citizenship as a full and free citizen, the oligarchs used a socially differentiated definition of the 'free citizen': to them, only those could really be free (*eleuther-i-oi)* who did not need to work and did not depend on another person for their living but had the means to devote their lives to a 'liberal education', 'free occupations', politics, and service to the community.[5] Yet in the case of freedom of speech, no aristocratic counter-concept was ever developed.[6] I shall argue in this chapter that this was no accident—rather, throughout antiquity, freedom of speech was never a primary aristocratic concept—and I shall try to explain why this was the case.

The distinction just mentioned, between *eleutheros* and *eleutherios*, attests to a significant difference in perspective. Aristocrats or oligarchs placed higher demands on the concept of the 'free person' than democrats did. Hence the democrats' definition did not meet the aristocrats' criteria: in their view, most citizens recognized by democrats as free only seemed to be free but in reality were dependent or unfree, which disqualified them (no less than metics [resident aliens] or slaves) from full citizenship. The oligarchic interpretation of this and most other elite concepts was based on, and derived its political content from, a high valuation of social status and prestige and the elite's general and primary claim to social (and thus also political) superiority. By contrast, the democratic interpretation resulted from the collective claim to freedom of the entire citizen body. It was by nature and origin political and had an impact on social life only secondarily, by socially elevating all citizens to the status of a ruling elite. What is reflected here is

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[4] *Dêmos:* Donlan 1970, Fornara and Samons 1991, 48–57; equality: Harvey 1965; see also Raaflaub 1996.

[5] Raaflaub 1983; 2004, 243–247. Hence *eleutherios* took on the meaning of 'noble, generous', comparable to the difference in Latin between *liber* ('free') and *liberalis* ('generous').

[6] As will be discussed below, *isêgoria* (equality of speech) probably originated as an aristocratic concept. By the time 'freedom of speech' became a contested political issue, however, the word had long lost this distinctive quality and had even been appropriated by democracy.

the contrast between two identities: that of the democratic citizen was primarily political, that of the aristocrat had always been and still was primarily social.

Before I continue, I need to emphasize other important distinctions. One is that between social and political aspects. I am concerned here primarily with the concept of freedom of speech as it developed and was used in the political sphere. As we shall see, the concept as such originated in the social realm, in the contrast between free persons and slaves. It was politicized in a specific time and constellation; it was then propagated, debated, analyzed, and criticized in political contexts and exercised in political procedures. But a less specific understanding of freedom of speech continued to be valued on a more basic social level, indicating that at least the free members of a community should be able to speak their minds in daily life without being intimidated or silenced by those more powerful socially or politically. This social dimension of the concept was valid, although probably with some restrictions, in aristocracies and oligarchies as well, as is illustrated by the case of Rome. It was typically suspended (more by fear than law) only in tyrannies or in monarchies the Greeks considered totalitarian (especially the Persian), and thus soon came to be seen as one of the typical characteristics of the Greek polis as a community of free citizens.[7] We perceive a political component here as well, and quite rightly so, but in the contrast between tyrant–master and citizen–slave the original social component was still predominant. At any rate, in this chapter I will focus on the political components and touch only in passing upon the social aspects of freedom of speech.

Another distinction is methodological. Various approaches are available to scholars interested in the beginning and evolution of political concepts. Those that are perhaps used most frequently are situated at the extremes of the spectrum. One looks at specific situations and experiences in the lives of ancient peoples and asks how they might have reacted or did react to them. If such reactions correspond to our understanding of the concept in question the assumption is that the concept was known and present at that time—whether or not the people themselves, or the sources informing us about them, used the actual word for this experience. Terminological developments here offer useful confirmation but are not essential to the argument. Using this perspec-

[7] On *de facto* limitation by tyranny, see Carter this volume.

tive, for example, Orlando Patterson, in his important book on *Freedom in the Making of Western Culture* (1991), assumes a high level of freedom consciousness and even the conceptualization of freedom already in 'Homeric society', despite the rareness of corresponding words, simply because free and slaves coexisted and the free were constantly confronted with the misery of slavery. I call this a non-specific, imaginative approach.[8]

The other approach is more strictly historical, more specifically based on terminology, and developed precisely for the study of the history of concepts. It assumes that ideas and concepts that were significant in a given time and society will be reflected in this society's language. Changes in terminology thus offer important clues to changes in societal experiences and attitudes; the absence of words is as illuminating as is their presence, and the full range of relations between terms as well as variations in a broader 'conceptual field' need to be taken seriously. One should therefore be reluctant to assume a high level of consciousness of a given value in a society that does not have a corresponding word to express it. From this perspective, it is significant, for instance, that a noun existed in archaic Greece for the condition of slavery (*douleia, doulosunê*) but apparently not for that of freedom (*eleutheria*), and that other concepts, such as justice and equality, were expressed by nouns long before freedom was.[9]

To illustrate the difference between the two approaches, I turn to Homer. Thersites, the ugly anti-hero of *Iliad* book 2, in Lombardo's translation 'a blathering fool and a rabble rouser', who 'had a repertory of choice insults he used at random to revile the nobles' (212–214), abuses Agamemnon with bitter and insulting words, only to be beaten up and silenced by Odysseus, to the masses' delight.[10] Indeed, those who speak in Homeric assemblies and councils usually are the elite leaders. They consider this their right and privilege, according to the rules or traditions (*themis*) of the agora, although they often justify themselves if they feel the need to be outspoken or critical: Nestor refers to his age and experience, Diomedes, because of his youth, to his distinguished family and excellence in fighting. We might thus conclude that

[8] For more detailed comments, see Raaflaub 2003.
[9] For all this see Raaflaub 2004, ch.1.
[10] For interpretations of this episode, see, e.g., Gschnitzer 1976, Thalmann 1988. Dolon, Thersites' counterpart on the Trojan side, is another example: *Il.* 10.314ff.; cf. Hainsworth 1993, 186.

in 'Homeric society' freedom of speech was limited to the elite, based on status and distinction. As a general statement, this is good enough, but closer exploration will modify this considerably. For example, Thersites is disciplined by Odysseus primarily because he thinks *akosma* and speaks *ou kata kosmon*, that is, he violates the generally accepted rules of proper behavior (212–213). Odysseus' famous statement, that a 'man of the people' (*dêmou anêr*), a commoner, is 'a thing of no account whatever in battle or council' (198, 202), probably reflects emerging elite ideology or wishful thinking. I suspect, on the basis of some other passages in the epics, that Thersites might have been listened to if he had had something useful to say and did it in a proper way.[11] The leaders certainly take their 'right' to speak for granted—but is this for them an issue of freedom? The notion of freedom or freedom of speech never occurs in such contexts. The leaders belong among a group of nobles, all called *basileis*. They are equals, despite differences in wealth, family, power, influence, achievement, age, and experience. Such differences are natural and generally accepted; they need to be considered but do not in any real way restrict the individual's ability to speak. Hence, I suggest, the *basileis*' primary concern is to maintain both a high rank in the 'pecking order' and basic equality within their group, and this is what their claims and justifications try to assert.

For confirmation, we need only look down the road to a time when power and leadership in some communities were monopolized by tyrants, and the other members of the elite lost their share in power, including their ability to speak effectively on communal affairs. Alcaeus, exiled in a power struggle, longs to hear assembly and council being summoned (fr. 130B Campbell). Isagoras, opponent of Cleisthenes, was born perhaps just around the time when Peisistratus established sole power in Athens. Isagoras is a political name. The word *isêgoria* ('equality of speech'), like *isonomia* ('equality of shares', hence 'political equality') probably originated as an aristocratic concept. The word was coined, I suggest, when the value it expresses, hitherto taken for granted, was threatened, no longer self-evident, and imposed itself on the elite's consciousness.[12]

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[11] Raaflaub 1997, 8–20.

[12] Raaflaub 1996, 143–146. Jeremy McInerney suggested at the conference that such concepts rather originated in the egalitarian contexts of early colonization. This is possible but, lacking the evidence, we cannot prove it.

Freedom of speech, then, both did and did not exist in Homeric society. It existed as a fact, at least among the elite, and in a basic way even among the people: we think of the assembly's cheers for Chryses' offer to ransom his daughter (*Il.* 1.22–23), which Agamemnon ignored to his own detriment, or of their enthusiastic 'vote by feet' on the next day (2.142–154), which almost ended the campaign. All this was taken for granted, never questioned, thus neither conscious nor formulated. Hence freedom of speech did not exist as a concept and as a word. We always need to be aware of such differences.

2. *Democracy and freedom of speech*

The Greek terminology for freedom of speech was exceptionally varied, obviously reflecting the concept's great importance in society and politics. No less than three terms (*eleutherôs legein, isêgoria, parrhêsia*) were introduced successively, responding to changing needs and perspectives. Evidence surviving in Athenian sources permits us to reconstruct the concept's development. I summarize it briefly here.[13]

The oldest formula was simply 'to speak freely' (*eleutherôs legein*). This characterized the free person in contrast to the slave, who was unable or needed permission to do so. Hence 'to speak freely' could occasionally assume the meaning of 'to speak the truth', because honesty was typical of the free, while with a slave, one never knew. The formula thus probably originated in a contrasting typology of slaves and free persons that evolved essentially together with slavery itself: traces are visible already in Homer.[14] Political use of both aspects is attested in Aeschylus' tragedy in the early fifth century. For example, in *Persians*, the fall of Xerxes' absolute monarchy might loosen the tongues of his subjects and enable them to 'chatter freely' (591–594). In *Suppliants*, the mythical king assures the enemies' herald that the assembly has voted unanimously to grant the fugitive women asylum: 'this decree is firmly nailed for ever, fixed immovably. What I have said is not inscribed in wax, or sealed in scrolls of parchment; you have heard this clearly from a free tongue and mouth' (*ex eleutherostomou glôssês*, 946–949; tr. Vellacott, adapted). In both cases, the context is political but the non-political origin of the slave–free typology is still evident. That the citizens' liber-

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[13] For more detailed discussion, see Raaflaub 1980, 2004, 221–225.

[14] *Od.* 17.320–323, 24.249–255; cf. 4.244–246.

ation from tyrannical oppression is assumed to express itself primarily in their ability to speak freely is remarkable—even if this ability is not yet connected with a specific constitution.

The second term is *isêgoria*. If, as suggested above, this word originated in the context of aristocratic opposition to tyranny the elite had a clearly defined interest: to regain their share in political power, the political equality they had enjoyed and taken for granted since time immemorial. Hence their goal in opposing one man's rule was not freedom but equality and power. *Isokratia*, used once by Herodotus (5.92α1), formulates this perfectly. Freedom, antithetical to slavery and subordination under a master, would have expressed only that such slavery and subordination had ceased to exist. In this sense, *eleutheros* had a double negative ('not un-free') rather than an explicitly positive meaning. Obviously, the elite wanted more than simply to be rid of the tyrant.

Naturally, they thought of equality only within their own circle. Equality was flexible and relative, referring to the group, however large or limited, that was politically empowered at the time. Hence it could be applied to an oligarchy (Thucydides speaks of an *oligarchia isonomos*, 3.62.3), to a moderate or incipient democracy (such as that instituted by Cleisthenes), and even to the fully developed democracy in which all citizens were equal—and of which Herodotus says, 'It has the most beautiful name of all: *isonomia*' (3.80.6). All this is true of *isêgoria* as well. Herodotus uses this word to explain Athens' rise to power after the fall of tyranny (5.78):

> Thus Athens had become strong. This proves, how valuable *isêgoria* is, not in one respect only, but in all: for while they were ruled by tyrants, they were not better in war than any of their neighbors, but once the tyrants had been driven out, they became by far the first. This shows clearly that, as long as they were held down, they deliberately did badly because they were working for a master; but when they were liberated, each one of them was eager to work for his own benefit.

This passage beautifully illustrates the great importance the Greeks attributed to the right of speech: more than anything else, it embodied the freedom of the individual and enabled him to develop his full capacity, both as a private person and as a citizen. We can easily draw here a connection to Pericles' Funeral Oration in which freedom figures prominently as well.[15] The 'universal' equality represented by *isêgoria* eventually pervaded democracy to such an extent that, as the anony-

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[15] Thuc. 2.37.2, 41.1.

mous author often called the 'Old Oligarch' comments sarcastically, it affected even the behavior and status of metics and slaves (Ps.-Xen. *Ath. Pol.* 10–12). No wonder that it remained one of democracy's most cherished catchwords.

Yet terms expressing civic equality had one disadvantage: they were not the exclusive property of democracy. Hence democratic ideology focused increasingly on another term, especially when the contrast between democracy and oligarchy became more marked and hostile. This was, of course, freedom (*eleutheria*). Active and universal participation in, and control of, the political sphere was perceived as the only way to preserve the *dêmos*' freedom and prevent their 'enslavement' by an oligarchy. Such participation was realized by the equality of each vote, annual rotation in office, and the right of *ho boulomenos* ('every citizen who wished to do so') to speak in Assembly and council. All these aspects are emphasized as essential for democracy in Euripides' *Suppliants*, performed in the late 420s. Most especially, the poet says, the essence of freedom (*t'eleutheron*) is embodied in the herald's opening call in the Assembly, '"Who has some good advice for the community and wants to bring it in the middle?" Whoever wishes to do this gains praise; who does not remains silent. What greater equality than this could there be for the polis?' (*ti toutôn est' isaiteron polei*?, 438–441).[16] Hence equality guarantees freedom, and it does so particularly in the sphere of public speech, that is, every citizen's equal opportunity and right to express his opinion on political issues publicly, in open political debate.[17]

In the face of growing criticism, however, the democrats realized that the issue was no longer primarily *equality* of speech (understood in purely formal terms) but *freedom* of speech (which defined both the form and the content of that right). In other words, it was crucial to maintain in political life not only the principle that all citizens were allowed to speak, but the farther-reaching principle that they could say whatever they wanted. As we will see, critics objected not only to the fact that whoever wished to speak publicly could do so, but that he could say whatever he thought right and important, thereby serving the interests

[16] On *Suppliants*, see Raaflaub 2004, 227–228. On the citizen's freedom: Finley 1982, 77–94, 261–262.

[17] That this was considered, by friend and foe, not just a theoretical claim but a feature of real life is confirmed by numerous sources, among them Ps.-Xen. *Ath. Pol.* 1.2, 6–9, quoted below. See also next note.

of *dêmos* and democracy rather than those of the 'better ones'. Hence this 'right to say everything' was manifestly of particular importance; more than anything else, it constituted democratic freedom. '*Freedom* of speech' thus gained new prominence and became a new catchword, for which a new noun was coined: *parrhêsia* (*pan-rhêsia*, the ability to say all). This word expressed everything that mattered; it soon became the key word for the citizen's freedom in democracy.[18] That such freedom of expression was considered highly positive both in democratic theory and practice seems to me unquestionable, even if the Athenians themselves were perfectly aware of the possibility that it could be and occasionally was abused, and if they imposed, on rare occasions, restrictions in the interest of the greater good of the community.[19]

3. *Aristocracy and freedom of speech*

I now turn to aristocratic views of freedom of speech. It surely is revealing that the indexes of Leonard Whibley's old book on *Greek Oligarchies* and Martin Ostwald's recent one on *Oligarchia* contain no reference to 'freedom of speech': this was apparently not a topic worth discussing in the context of oligarchy.[20] Yet a few things can be said about it.

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[18] See Wallace forthcoming for the way such freedom was realized in political life; Balot this volume on the orators. Furthermore, on the reality of and obstacles to freedom of speech, see Raaflaub 1980, 38–46 (with bibliog.); with respect to comedy, Halliwell 1991 (and see Halliwell this volume); Henderson 1998; on the sophists' teaching: Dover 1976, Wallace 1994.

[19] Carter (this volume) suggests a more ambivalent function and assessment of *parrhêsia* even in and by democracy. I agree with his conclusion that *parrhêsia* 'under democracy … was not so much a freedom from censorship protected by law as the confidence in giving one's own opinion that came naturally with democratic citizenship'. In Raaflaub 2004, 227–233, I discussed various institutions or components of democracy that the Athenians considered important for freedom. I concluded that these were equated with freedom only secondarily. The primary identification with freedom occurred on the higher level of democracy as a comprehensive socio-political system and way of life (*politeia*). The rights and abilities of the citizens counted less individually than in their function as essential components of a political system that was capable only in its entirety of establishing and guaranteeing freedom. The point of view prevailing in discussions of this issue was always that the community is free because the *dêmos* rules and all citizens participate in government. The right of speech, however (and here I disagree with Carter), seems to be an exception, enjoying a particularly high valuation and coming closest to our modern notion of 'civic freedoms' or 'rights' (2004, 231–233). On the issue of rights, see also Ostwald 1996, Wallace 1996.

[20] Whibley 1896, Ostwald 2000.

3.1. *Athens*

I begin with the Athenian opponents of democracy. They understandably did not think much of *parrhêsia*.[21] To them it symbolized the lack of discipline and order that was typical of democracy. Accordingly, in the fourth century, Isocrates and others propagated an 'original democracy' that did not encourage citizens to look 'upon insolence as democracy, lawlessness as liberty, *parrhêsia* as *isonomia*, and licence to do what they pleased as happiness' (Isoc. 7.20). Writing even earlier (perhaps in the 420s, although earlier and later dates have been proposed as well), an anonymous critic of democracy, often called the 'Old Oligarch', offers revealing insights. He despises the democratic system but acknowledges that, given the importance of the fleet in Athens' policies, the system makes sense. It succeeds in protecting the interests and power of the *dêmos* and is so firmly established that it can hardly be improved or mended—except by being replaced wholesale by an aristocratic 'good order' (*eunomia*). Because it is essentially the lower classes who man the fleet, he says (Ps.-Xen. *Ath. Pol.* 1.2, 6–9):

> It seems right for everyone to have a share in the offices, both allotted and elective, and for anyone who wants to (*ho boulomenos*) to be able to speak his mind … Someone might say that they ought not to let everyone speak on equal terms and serve on the council, but rather just the cleverest and finest. Yet their policy is also excellent in this very point of allowing even the worst people to speak. For if the good men were to speak and make policy it would be splendid for the likes of themselves but not so for the men of the people. But, as things are, any wretch who wants to can stand up and obtain what is good for him and the likes of himself. Someone might say, 'What good would such a man propose for himself and the people?' But they know that this man's ignorance, baseness, and favor are more profitable than the good man's virtue, wisdom, and ill will. A city would not be the best on the basis of such a way of life, but the democracy would be best preserved that way. For the people do not want a good government (*eunomia*) under which they themselves are slaves; they want to be free and to rule … If it is *eunomia*

[21] David Carter suggested at the conference that composite words formed with *pan-* (such as *pan-ourgos*, 'ready to do anything, wicked, knavish' [LSJ]) were often negative and thus *parrhêsia* was created by opponents of democratic freedom of speech. I cannot disprove this but consider it unlikely because fifth-century testimonia (discussed in Raaflaub 1980, 18–20) are mostly positive. Moreover, as the editors pointed out in comments on an earlier version of this chapter, such composite words are often positive (e.g., *pankalos, pankallistos, pankarpos, pamphilos*). 'The *rhê*-part seems to be a *vox media*, so the word lends itself to being used in different ways, but there is no predisposition of the meaning tied down in the compound itself'.

> you seek … the good men will keep the bad in check; they will make policy for the city and not allow madmen (*mainomenoi*) to participate or to speak their minds or to meet in Assembly. As a result of these excellent measures the people would swiftly fall into slavery.
>
> (tr. Bowersock, adapted)

It could not be said more clearly: the oligarchs are not interested in freedom but in monopolizing power and government for their own group. In their view, general *isêgoria*, allowing 'crazy people' (that is, people without proper qualifications) to speak, is symbolic of democratic bad order (*kakonomia*) and needs to be eliminated if one aims at establishing a good political system, that is, aristocratic *eunomia*. The measures introduced by the oligarchies of the Four Hundred in 411 and the Thirty in 404 followed this prescription to the letter.

Yet, as Thucydides observes, the framework of aristocratic equality, guaranteed by *eunomia*, only disguised fierce competition for primacy. This happened among the Four Hundred: it 'was for motives of personal ambition that most of them were following the line that is most disastrous to oligarchies when they take over from democracies. For no sooner is the change made than every single man, not content with being the equal of others, regards himself as greatly superior to everyone else' (8.89.3).

3.2. *Sparta*

No texts comparable with those from Athens are preserved from communities, such as Thebes or Corinth, that were governed by an aristocracy or oligarchy. But it is illuminating what contemporaries and later authors have to say about Sparta, which in the classical period was widely perceived (not least by Athenian opponents of democracy) as the ideal of an oligarchic polis.[22] In the works of Xenophon, Isocrates, and Plutarch that focus on Sparta freedom is conspicuously absent as a value in domestic politics or as a characteristic of the constitution. True, the authors emphasize external independence, and Herodotus comments no less on Sparta's than on Athens' pride in having preserved Greek freedom in the Persian Wars.[23] The famous archaic 'rhetra', a set of rules for communal decision making that dates to the late seventh

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[22] Powell and Hodkinson 1994.

[23] Von Fritz 1965, but see Millender 2002 on the marked differences in Herodotus' portrayal of Athenian and Spartan efforts for Greek freedom.

century and is complemented by a slightly later 'rider', receives due attention: attributed to the mythical lawgiver, Lycurgus, it endowed the assembly of the *damos* with power and decision (*kratos* and *nikê*) but the council (*gerousia*) with initiative and control.[24] Both Herodotus (1.65.2–66.1) and Thucydides (1.18.1) emphasize that this reform, enacted in a time of crisis, transformed *kakonomia* into *eunomia* and gave Sparta long-term stability. Neither mentions here *eleutheria*—as they do when focusing on Athenian democracy.

Overall, we hear very little about the details of political life and the processes of decision making. Clearly, though, the most important value for the Spartans was not freedom but obedience. As Xenophon writes (*Lac. Pol.* 8.1–2):

> Everyone knows the outstanding obedience of the Spartans to their rulers and laws ... In other states the most powerful citizens do not even wish it to be thought that they fear the officeholders; they believe such fear to be *aneleutheron* ['unfree', that is, not befitting their social status]. But at Sparta the most powerful men (*kratistoi*) show the utmost deference to the officials: they pride themselves on their humility, ... believing that, if they lead, the rest will follow along the path of eager obedience.
>
> (tr. J.M. Moore)

Obedience is the greatest virtue, in polis, army, and home. Hence in Herodotus the exiled Spartan king, Demaratus, emphasizes the role of *nomos* (law, custom) to explain the Spartans' extraordinary collective bravery (7.104.4–5):

> The point is that although they are free, they are not entirely free: their master (*despotês*) is the law, and ... they do whatever the law commands.
>
> (tr. R. Waterfield)[25]

Plutarch too sees discipline and obedience as the pillars of Sparta's success (*Lyc.* 30.3–4). Its strength lies precisely in the fact that nobody there is free to live as they like (24.1)—in contrast, of course, to Athens, as emphasized in the Funeral Oration (Thuc. 2.37.2). Conversely, the

[24] Tyrt. 4 West; Plut. *Lyc.* 6.

[25] Millender 2002, 34–46 emphasizes the ambivalence of this statement, especially as uttered by Demaratus. For Herodotus, she concludes, 'it would seem that the Spartan brand of courage, the product of a fearful and blind obedience, ultimately proved to be less effective in action than the thoughtful, and yet more spontaneous, bravery of the Athenians, whose democracy and the freedom it created encouraged the rise of a self-determined citizenry'. Millender 2002, 47–57 also comments on the negative view Thucydides conveys of the stifling effect on the Spartan citizens of rigid discipline and obedience.

Spartiates enjoy those privileges that correspond to the aristocratic ideal of freedom (mentioned earlier): economic independence and leisure (*Lyc.* 24.3)—while the Athenians are involved and competent in their own and in public business (Thuc. 2.40.2). Plutarch refers to a traditional saying (traceable to the late fifth-century politician and sophist, Critias),[26] that in Sparta the free were most completely free and the slaves (the helots) most completely slaves (28.11). Lycurgus' goal supposedly was that the Spartan citizens should 'become noble (*eleutherioi*) and self-sufficient, and live with moderation and self-control (*sôphrones*) for the longest time' (31.1): the terms *eleutherioi* ('especially free, noble', not *eleutheroi*, 'normally free') and *sôphrones* are aristocratic value terms. Finally, the Spartans' ideal of equality was *homoiotês* ('relative equality', 'similarity'), not *isotês* ('absolute equality') as in Athens.[27] Even if in many respects Sparta had become an exception rather than the rule, all this reflects traditional values of the Greek aristocracy. Demosthenes sums it up well. A member of the *gerousia* is (20.107–108)

> master (*despotês*) of the mass of citizens. For at Sparta the prize of merit is to share with one's peers the supremacy in the *politeia*; but [here in Athens] the people is supreme (*kurios*) … In an oligarchy harmony is attained by the equality of those who control the community, but the freedom of democracy is guarded by the rivalry with which good people compete for the rewards offered by the people. (tr. J.H. Vince)

What then about freedom of speech in this Spartan cosmos? The distinction I drew at the beginning between unspecific and specific interpretations of political concepts should be applied here. As a fact, freedom of speech must have existed at least in the *gerousia*, and it was the privilege of those who held positions of authority to address the Assembly. As Aeschines observes (3.220): 'In oligarchies, it is not *ho boulomenos* but a man in authority (*dunasteuôn*) who addresses the people, but in democracies it is *ho boulomenos*, whenever it seems right to him.' A passage in Thucydides about the conditions prevailing under the Four Hundred illuminates this further (8.66.1): 'In fact, all the speakers came from this party (*tois xunestôsi*), and what they were going to say had been considered by the party beforehand' (tr. Wallace). Otherwise, it seems, there was no place for freedom of speech in the Spartan Assembly, and it was not perceived and hence not formulated as a value.[28] Nor do

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[26] Fr. 88 B37 Diels–Kranz.

[27] Cartledge 1996. On *sôphrosunê*: North 1966; *eleutherios*: n. 5 above.

[28] Robert Wallace pointed out at the conference that the 'rider' to the 'rhetra'

we know to what extent it existed, less formally, among the Spartiates and in relations among the *homoioi*, between commoners and elite or officials. The case of Rome, analogous to some extent, may help flesh out and refine this picture.

3.3. *Rome*

At first sight, efforts to dig for freedom of speech in Rome seem hardly more promising.[29] To begin with, the Romans did not even have a special word for it: simple *libertas* had to do. This is significant but not necessarily decisive; the question is whether free speech existed as a fact or value. True, the Assembly (in its various forms) was sovereign: it elected magistrates, passed laws and served as appeals court in capital cases. Yet it needed to be convened by a magistrate, and its vote was valid only when pronounced in proper forms by the presider. He could refuse to do so and order the Assembly to 'vote better'; though certainly not frequent, this did occur and is sufficient to place Rome's Assembly formally on the same evolutionary level as Sparta's. Moreover, it was not all that rare that the augurs later declared a vote invalid because of religious improprieties. The voting assemblies simply responded yes or no to a question (*rogatio*) placed before them, or selected the appropriate number of officials from among a list of candidates published before the election. Discussion before the vote was not allowed. Even in the *contiones*, non-voting assemblies convened to influence public opinion, the purpose was information, not open discussion: the talkers were usually the officials and high-ranking personalities invited by them.[30]

What about the senate? This august body too had no initiative, needed to be convened by a magistrate, and knew no free discussion. The presiding magistrate referred an issue to the senate and initiated discussion that was strictly formalized, followed a hierarchical sequence of speaking, and was usually limited to the highest-ranking members.

(Plut. *Lyc.* 6.7–8) presupposes a preceding stage of greater demotic participation and independence that, for whatever reason, needed to be curbed. On current evidence, this seems plausible; see Raaflaub and Wallace forthcoming.

[29] Being primarily concerned with the aristocratic or oligarchic state, I obviously restrict myself to the time of the republic. On freedom in Rome, in part with discussion of freedom of speech as well, see Kloesel 1935, Wirszubski 1950, Bleicken 1972, Brunt 1988, all with ample documentation. Scarpat 1964 discusses Latin translations of *parrhêsia* and thus sheds light on the Latin vocabulary for freedom of speech.

[30] Thus strongly Wirszubski 1950, 18 with n. 48. See generally Staveley 1972, pt. II.

True, while he had the word, a speaker could talk on any matter he considered of public importance, but he could not intervene in the discussion without being invited to do so. Especially the highest-ranking senators (*principes*) could pressure the magistrate to bring an issue up for discussion, but they could not compel him to do so or to have the senate vote on this issue. When voting, the senators expressed their opinion in the same hierarchical sequence; most of the lower-ranking members were simple *pedarii*, voting with their feet, that is, walking to the side of the *princeps* whose opinion they accepted. Moreover, any decision was no more than a *senatus consultum*, a recommendation to the magistrate, influential only because of the senate's immense collective authority, and could be vetoed by any of the numerous officials entitled to do so, thus rendering it a mere *auctoritas*, an expression of opinion, almost a 'straw vote'. Hence freedom of speech was extremely limited even in the senate, so much so that one might conclude, not that it existed only for the leading senators, but that it did not exist at all.

This conclusion, however, seems too radical. Peter Brunt, especially, has argued against the view that lack of a specific term indicates lack of appreciation for freedom of speech: 'It seems to me more striking evidence for the importance they attached to it that the word *liber* can be used *tout court* to mean "speaking one's mind", unlike equivalent words in Greek, English, and other languages'.[31] Indeed, people claimed this right and used it, in daily life, in comedy, in the courts. Awareness was strong and widespread that this was an important part of the citizens' freedom, and the elite resented it when socially inferior people asserted such rights. Restrictions on open discussion in formal meetings, Brunt points out, did not mean that 'all sorts of views on controversial issues were not freely ventilated'. Indeed, a *contio* could be convened by the tribunes of the plebs as well, and they often invited commoners to speak or turned the meeting into a forum of anti-senatorial agitation.[32] Stefan Chrissanthos points out that participation was much broader than often assumed, that very few restrictions or mechanisms of repression existed, and that numerous formal and informal venues were available to the people to express themselves.[33] The Roman people certainly did find ways and opportunities to vent their opinions and influence that of

[31] This and the following quotes are taken from Brunt 1988, 314–317.
[32] On the *contio*, see Morstein-Marx forthcoming.
[33] Chrissanthos, this volume. See also Millar 1998, Mouritsen 2001.

magistrates and senate (from heckling and shouting to demonstrating and rioting), and the suppression of such behavior could be lamented as a loss of freedom.

But what does all this mean? Much of it falls under the social category of freedom of speech, present in some form or other in every society (except for totalitarian systems, where even this is mostly controlled and organized by state and ruling party). The circus, theater, and hippodrome in imperial Rome served that function—but was this freedom of speech? Informal, especially collective, expression of popular opinion must certainly be assumed for Sparta as well and, as pointed out earlier, is well attested in Homer. *Thorubein* ('hubbub') in the Assembly, emphasized frequently by ancient authors, must have been fairly common everywhere. Yet would we categorize such phenomena as 'freedom of speech'?

Brunt also points out that occasionally senate decisions were influenced, or senate actions prompted, by relatively lowly members. The debate about the fate of the Catilinarians in December 63 is a good example: apparently it was turned decisively by the speeches of a praetor designate (Caesar) and tribune designate (Cato).[34] True enough, but these were exceptions, and as such they prove the rule. What matters more is that restrictions imposed by small factions or civil war victors on the senate's free deliberation and decision, and in that sense also on the senators' freedom to express themselves, were decried as an infringement on *libertas*. Cicero is our crown witness here, but there is no reason not to take his opinion as representative. Undoubtedly, therefore, at least the highest-ranking senators, and probably all of them, valued their ability to express their opinion, despite the formal restrictions I described earlier, and they thought of this ability as freedom.[35]

In fact, this is not entirely surprising. For, in contrast to their Greek peers, the Roman elite did develop a concept of aristocratic freedom. They did so long after the plebeians had politicized freedom in their defense against the elite's overwhelming social and political power, and they did so only when the need arose to defend their political predominance against challenges from two sides: demands by populist politicians (*populares*) who countered traditional aristocratic claims by emphasizing the people's *libertas*, and by ambitious individuals whose extravagant claims for status and power threatened aristocratic equality

[34] Brunt 1988, 329; see Sall. *Cat.* 50–53.
[35] Brunt 1988, 327–330 with many examples.

and the influence and government of the senate as a whole. This aristocratic concept of *libertas* was thus the result of the crisis of the Roman republic and as such late and secondary.[36] It was based on social prestige (*dignitas*) and power, and it therefore differentiated both between elite and non-elite, and within the elite: the senate's leaders (*principes*) were in principle much freer than the other senators, and the senators much freer than the rest of the citizens.[37] The same is true, I suggest, for freedom of speech, at least in the political sphere: it was tied to *dignitas* and *auctoritas* and thus fully available, despite restrictions applying to all, only to the highest level of the elite. Although valued by all, and used as a matter of course in daily and social life, in Rome's political sphere it ultimately was a means to an end: an instrument to maintain elite equality and predominance. It was normally taken for granted and talked about only when it was threatened or temporarily lost. It was important but still only a subset of a more general concept of aristocratic *libertas*. Hence it is no accident that the Romans did not create a specific term for free speech.

4. *Conclusion*

Both Sparta and Rome are extraordinary cases, preserving archaic political forms, under special conditions and exceptional pressures, long past their ordinary life span.[38] Other oligarchies were probably less rigid and restrictive. But this does not change the principle: freedom of speech existed as a fact in the social life of most ancient communities, even if sometimes restricted by various factors. It was not, however, a primary political value in aristocratic communities, even if at least the political elites claimed it as their natural right, based on their social distinction. Although it was adopted as a secondary value at least in Rome, it was not conceptualized and formulated in a corresponding term. The reason is that for aristocrats the crucial issue was not freedom, which only described a necessary precondition of their high status and the absence of oppressive authoritarian power. What mattered to them was that they were part of an exclusive group who shared

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[36] Bleicken 1962, Raaflaub 1984.

[37] On the *principes*, see Meier 1984.

[38] See, e.g., for Sparta, Finley 1982, ch. 2; Cartledge 2001, ch. 3; for Rome: Meier 1966.

power and government and in that sense were equal—even if within this framework they competed fiercely for primacy. Excellence, power, and equality thus were prime aristocratic values.

In the Greek world, such equality was, by the late sixth century BCE, formally extended in many communities to include the farmers who fought in the city's hoplite army; this reflected an effort to broaden the civic base in order to reduce factional strife and achieve political stability. It was, however, only a new form of constitution, realized under very exceptional conditions in post-Persian War Athens, which broke through traditional and deeply rooted limitations. In order to protect the freedom and political empowerment of *all* citizens, democracy enabled *ho boulomenos* to speak, on free and equal terms, on whatever issue he considered important. Thus *dêmokratia* realized freedom of speech, *parrhêsia*, as a fact, value, and explicit political concept. Only in democracy did and could this idea become a political value in its own right, a highly prized citizens' privilege, virtually equivalent to democracy itself and expressed by a special term. Naturally, this 'right' too had its limitations, in a few cases imposed by law, more often by circumstances and the people's reactions. But that is another story.[39] What mattered to supporters and opponents were not such limitations but the principle as such.[40]

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[39] It will be explored by Wallace forthcoming.

[40] I thank the conference participants, especially Stefan Chrissanthos, and the volume's editors, for useful comments.

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CHAPTER FOUR

BINDING SPEECHES: GIVING VOICE TO DEADLY THOUGHTS IN GREEK EPITAPHS

Eric Casey

1. *Introduction*

In a discussion of free speech, the opinions of the dead might seem a curious source for guiding principles. Greek epitaphs, however, through which the dead are given voice, offer an unusual perspective on the topic insofar as they present an extreme case of constrained, highly mediated speech which at the same time relies on the appearance of being free. The dead, in other words, are free to speak, but it is the living who have put the words in their mouths. In this chapter I will investigate the varied interplay between free and constrained speech in sepulchral inscriptions, drawing primarily on epitaphs that are written in the voice of the dead person. I will interrogate in particular the relationship between the speaking voice of the inscription and the inscription's putative reader (i.e., the passerby obliged to stop and read), and argue that this collision between the worlds of the living and the dead often results in what seems to be a deliberately playful confusion about who can actually speak for the dead. I will conclude with some thoughts on what the living want to hear from the dead and why the living desire such a dialogue in the first place.

I have chosen most of my texts from a comprehensive collection of epitaphs which focus on the prematurely dead and date mostly from the first few centuries of the common era. The majority of these are written as first-person narratives in the voice of the dead and so they provide a panoply of narrative examples of the dead's freedom to speak. By way of contrast, I will begin with some earlier verse epitaphs that display a wider range of speakers and interesting shifts of the narrative voice.

2. *Listening to the dead*

I begin by analyzing a few early epitaphs that introduce the idea of exchange. In some cases, the dead receive only the compensation of a stone *sêma*, while in others, the freedom to speak from beyond the grave is bestowed on the dead. Consider the following epitaph, which combines both of these themes:

> When I lived the living praised me; but now
> I am dead this stone speaks for me. On behalf of me,
> a dead man, it guards my voice and publishes it forever to the living.[1]
>
> ζωὸν μὲν ζωοί με μέγ' ᾔναιον· αὐτὰρ ἐμοὶ νῦν
> μάρτυς ἀπο[φ]θιμένῳ καὶ λίθος ἐστὶν ὅδε,
> ὃς καὶ τεθνειῶτος ἐ[μ]ὴν ὄπα τήνδε φυλάξων
> ἀθάνατον ζωοῖς ἀντ' ἐμέθεν προχέει.

Note that the freedom to speak is zealously guarded by the stone marker and this preservation of the dead's voice is analogous to the praise enjoyed by the speaker while alive. The speaker has received the stone and its unchanging preserved speech in exchange for the more ephemeral and uncontrollable speech of the living. The voice of the dead is constrained in that it is limited to forever repeat this single refrain. However, that privilege of speech is everlasting and clearly valued enough to merit permanent protection in the form of a commemorative epitaph. Moreover, the stone itself guarantees the dead's eternal presence by forever broadcasting his voice in the land of the living. While generations of people may enjoy more variation in their speech, their specific words will fade while this dead's freedom to speak will remain intact. While the exchange is perhaps austere and inflexible, clearly it privileges one type of free speech over another: the ability to speak eternally over the ability to speak anew each time.

The theme of exchange and compensation can go beyond the mere ability to speak and become an occasion to broadcast the existence of exemplary familial relations. In fact, the issue of familial devotion is so important in this epitaph that it intrudes on the dead's freedom to speak.

[1] Lattimore 1962, 244 (=*Studia Pontica*, vol. 3, [Brussels, 1910], no. 145A, lines 3–6).

I died when a young child and I had not yet taken on the bloom of youth,
but I arrived earlier to many-teared Acheron.
And so the father Kleodamos, son of Hyperaner, set me up as a
monument for his daughter Thessalia, as did her mother Korona.

νεπία ἐõς' ἔϑανον καὶ οὐ λάβον ἄνϑος ἔτ' ἔβας, |
ἀλλ' ἱκόμαν πρόστεν πολυδάκρυον εἰς Ἀχέροντα. |
μνᾶμα δὲ τεῖδε πατὲρ Ὑπεράνορος παῖς Κλεόδαμος |
στᾶσέ με Θεσαλίαι καὶ μάτερ ϑυγατρὶ Κορόνα.[2]

This early fifth-century BCE epitaph for the child Thessalia provides an example of a shifting narrative voice within the short space of four lines. The first two lines are spoken in the voice of the dead girl and lament her own early death. The final two lines switch into the voice of the stone *mnêma*.[3] There is little to prepare the reader for the switch in narrator from the first couplet to the second.[4] The last line is particularly striking in that the two narrators are juxtaposed by having the personal pronoun με ('me', the current narrator, referring to the monument) set right next to the name 'Thessalia' (the original narrator). The spatial proximity of the words identifying the two narrators symbolizes the way in which the two voices are juxtaposed in the epitaph. Clearly there is here an equation of the dead person and the stone monument intended to commemorate her.[5] There is a similar blurring between the

2 *CEG* 119 (Hansen 1983).

3 For more speaking *sêmata*, see the following epitaphs in Vérilhac 1978, 6, 13, 22, 88, 94A, 135, 191. All future references to this edition will have a 'V' placed before the number of the epitaph.

4 The sixth-century BCE *stêlê* from Sigeion commemorating Phanodikos provides a good parallel for a change of grammatical subject. In the space of just a few lines, the *stêlê* speaks, then Phanodikos, and then once again the *stêlê*. For the text and discussion of it, see Guarducci 1961, 165–167. The relevant lines of Guarducci's translation are as follows: 'I am of Phanodikos, son of Hermokrates, of Prokonnesos; and I gave a mixing bowl with a support and a strainer for the prytaneum to the citizens of Sigeion as a memorial (*mnêma*); If I should suffer in any way, care for me, citizens of Sigeion; and Aisopos and his brothers made me'.

5 There is a good amount of evidence dating at least as far back as the Bronze Age that statues could stand as replacement figurines or doubles for the dead. The *kolossoi* seem often but not always to have served this function. On *kolossoi*, see Picard 1933, 341–354, and also Roux, 1960, 5–40. The figurines often found along with curse tablets are another clear example of such substitution, on which topic see Faraone 1991, 165–205. See Steiner 2001, 5–18, for a detailed discussion of the motif of replacement and substitution along with extensive citations of previous scholarship on the subject. This kind of identification, however, between *sôma* and *sêma* is not always at play. Christiane Sourvinou-Inwood has argued extensively against a generalized identification of deceased and burial marker, noting among other things that a *korê* can appear over a

mnêma and the deceased on white-ground *lekythoi* where the *stêlê* is often anointed as if it were itself the dead.[6]

We should note that this inscription is written in the voice of one of the untimely dead, the very group that I will be focusing on later. The inscription also specifies that the dead woman has in a sense departed (to Acheron), leaving a verbal, auditory image which can be conjured up any time a passerby reads aloud the inscription (and so in a form of *kleos aphthiton*, her voice returns each time with the next passerby even as the epitaph proclaims her departure). As if to emphasize or even enact the early departure of Thessalia, her voice recedes after line 2 and the *mnêma* speaks for itself.[7]

The second half of the inscription seems a response to the first half, detailing the family's constructive reaction to the dead Thessalia's lament that she died before her time. Once again, the idea of exchange seems important. The writer of the epitaph imagines a space in which the dead Thessalia can speak freely but when she 'chooses' to focus on her untimely demise, the *mnêma* seemingly interrupts her, saying essentially to the reader that the family has done everything it could to ensure that the soul of Thessalia feels well tended. Note the ambiguity of the transferred epithet 'many-teared'—it could refer to the grieving family or to the upset young maiden herself. The very name 'Thessalia' is literally surrounded by the names of her loved ones, thus demonstrat-

young man's grave. See Sourvinou-Inwood 1995, 165–166, 228, and for more general discussion of the relationship of the grave monument, funerary statues, and epitaphs with the deceased, see 139–239 *passim*. For evidence of the *sêma* being given human attributes, see V55, V92, V93, and V94.

[6] Garland 1985, 115–118. See also Johnston 1999, 39–43. Pausanias (2.12.5) describes an interesting ritual involving the mysteries of Demeter. Just before the celebrations begin, the local people invoke the cult heroes and urge them to be present for the libations, and specifically are said to be looking at their burial monuments (ἐς ταῦτα βλέποντες τὰ μνήματα) while they make the invocations. See Nagy 1990, 220ff. Compare Plutarch, *Arist.* 21: 'there he [the chief magistrate of Plataea] takes water from the sacred spring, washes off with his own hands the gravestones, and anoints them with myrrh (εἶτα λαβὼν ὕδωρ ἀπὸ τῆς κρήνης αὐτὸς ἀπολούει τε τὰς στήλας καὶ μύρῳ χρίει); then he slaughters the bull at the funeral pyre, and, with prayers to Zeus and Hermes Terrestria (χθονίῳ), summons the brave men who died for Hellas to come to the banquet and its copious draughts of blood …'

[7] The naming of both the father and mother as well as the father's father is unusual and striking in that we are reminded that these adults survived the young Thessalia. Note the symmetry as well: line 3 mentions a father and son, while line 4 mentions a mother and daughter. It would be interesting to know if Hyperaner (Thessalia's grandfather) was still alive at the time of Thessalia's death—if not, then there is the pairing of a dead and live family member in each successive line.

ing visually and verbally their closeness as a family. Note the emphatic placement of the word *mnêma* right where the shift in narrator occurs, as if to suggest that the actual physical *mnêma* should constitute a response or answer to her lament. The apparent freedom of the dead to speak is censored when it comes to the topic of her own death and the stone is emphasized as the site of exchange. In this case, the stone itself receives the freedom to speak.

The first word of the Thessalia epitaph is also significant for this theme of the voice of the dead. She died while νήπια, 'young', but more literally, 'without words'. This word will return in our later epitaphs, in several cases also serving as the opening word. In this case, νήπια, while seemingly characterizing the living Thessalia, is prophetic in that it also simultaneously forecasts her state as one of the dead who are thought to have difficulty articulating words. Note the irony here as well in beginning a speech with a word meaning 'without words', and perhaps a parallel lurks here between the verbal difficulties of young children at the beginning of life and of ghosts in the afterlife. Jan Bremmer has shown how the dead were often depicted as being unable to speak properly and as generally lacking *menos*, *thumos*, and *noos*.[8] As a result, the dead were not thought to have had the full mental functioning that the living take for granted. And here we reach something of a paradox, for obviously the dead have clear and lucid voices in these sepulchral inscriptions. In fact, since passersby read aloud the inscriptions, the voice of the dead is indistinguishable from that of the living at least during the time of recitation. The living literally lend their voice to the dead while reading aloud. As Svenbro has argued, the passerby becomes a temporary acoustic vehicle of commemoration for the dead named in the epitaph.[9] The freedom of the dead to speak relies on the kindness of strangers.

Another sepulchral inscription further develops the theme of speech and the overall interpretive strategy of these first-person epitaphs is laid bare.

> Greetings, passersby. I lie here dead.
> As you are going by here, read out which man has been buried here,
> a stranger from Aigina, Mnesitheos by name; and my dear mother
> Timarete

[8] Bremmer 1983, 73–86. See also Albinus 2000, 43–56, and Snell 1960, 1–22.

[9] Svenbro 1993, 44–63. For a detailed examination of mourning motifs in archaic epigrams and the effect of literacy on this tradition, see Derderian 2001, 63–96.

set up as a remembrance for me at the top of the tomb an untiring *stêlê*, which
will always and for ever speak to the passersby:
'Timarete set me up for her dear dead son.'

χαίρετε τοὶ παριό|ντες, ἐγὸ δὲ θανὸν | κατάκειμαι.
Δεῦρ|ο ἰὸν ἀνάνεμαι, ἀν|ὲρ τίς τε̃δε τέθαπ|πται·
ξε̃νος ἀπ' Αἰγ|ίνες, Μνεσίθεος δ' ὄν|υμα·
καί μοι μνε̃μ' ἐπέ|θεκε· φίλε μέτερ Τιμαρέτε
τύμοι ἐπ' ἀκροτατοι στέλεν ἀκάματον, |
hάτις ἐρεῖ παριõσι διαμ|μερὲς ἄματα πάντα.
Τ|ιμαρέτε μ' ἔσστεσε φίλ|οι ἐπὶ παιδὶ θανόντι.[10]

It initially seems as if the living composer of the whole epitaph cannot decide whether to privilege the voice of the deceased or the *stêlê* itself. The apparent solution is to compose a meta-theatrical musing in the voice of the son that leads up to the last line, which rephrases the same information in the voice of the *stêlê*, a virtual epitaph within an epitaph. The repetition (in different cases) of the participle θανόν ('dead') encourages a comparison of the two statements. In the first line, the nominative form (θανόν) refers directly to the narrating voice of the dead Mnesitheos, whereas in the last line, the dative form (θανόντι) still refers to Mnesitheos, but its presence reminds us that the perspective of the narrative has now changed.

This epitaph exemplifies the general narrative strategy of many of these inscriptions. Consider the self-reflexive character of the narrative. The living author of the epitaph impersonates the dead person for six of the seven lines. In the last line, the dead Mnesitheos chooses in turn to impersonate the stone *mnêma*. The entire epitaph highlights the artificiality of giving voice to something generally thought to be inanimate and so voiceless. By having the dead Mnesitheos muse about what he would like to have on his tombstone, the actual author of this epitaph is addressing how these inscriptions seem to give the license of speech to the dead. This also constitutes an inversion of what is really happening in these epitaphs, for they are ultimately created by the living for the living. The deceased is trying to claim a freedom of speech that turns out to be merely spectral and illusory: the dead are made to say what the living want to hear.[11]

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[10] *CEG* 108 (Hansen, 1983).

[11] For another similarly self-reflexive epitaph dating from the first century BCE, see V165. Written in elegiac couplets, the first line introduces the dead by saying that the father made this tomb for his son. The second line informs us that 'the stone says the

In the epitaphs considered thus far, the freedom to speak has emerged as a consolation in exchange for the regrettable loss of life. The deceased receives a permanent but limited voice in the public realm as well as a stone *sêma* to mark the presence of the body. Part of that public consolation comes at the expense of the dead's freedom to speak. In several epitaphs, there are alternating or even competing voices and these other voices suggest other themes worthy of commemoration, such as the evidence for responsible and enduring familial relations even beyond the grave. Lastly, a number of the epitaphs considered have been those of the untimely dead, including young women and children, who are given the ability to speak in public in exchange for their unjustly foreshortened lives. This is a particularly remarkable gift to bestow on women and children considering their general exclusion from speaking in the public sphere. We, as much as the ancient passerby, are given the opportunity to hear from a constituency whose voice would have been severely curtailed if not completely extinguished while alive. I will now turn to examples from Anne-Marie Vérilhac's marvelous edition of (mostly) later epitaphs for the prematurely dead.

3. *From prose to poetry: the case of V128*

All of the epitaphs in Vérilhac's collection are in meter (generally elegiac couplets) but some depart from poetic conventions and have parts in prose. There are even some passages where the dead speak generally in poetic meter but briefly converse with passersby whose words are given in prose. The question naturally arises as to whether they are simply mistakes, evidence of careless composition, or in fact they are deliberate strategic moves. In at least a few examples, the alternations of prose and poetry clearly have thematic and symbolic significance. Let us look now at V128 (Cos, first or second century CE), which constitutes an interesting meditation on the delicate balance between freedom and constraint present in these epitaphs:

following to the passersby' (λίθος δ' ἐνέπει ταῦτα παρε[ρχομένοις]). The epitaph then immediately shifts into a fairly typical epitaph written in the voice of the dead son, beginning with a line mentioning the dead and his parents: 'I alone was reared in the house of my father and mother' (μοῦνος ἐγὼ πατρὸς καὶ μητέρος ἐν μ̣[εγάροισιν]/ θρέφθην).

Greetings, honorable Eision. Greetings to you as well, passerby;
for although very young, I left the light of the sun,
and I died, having completed fourteen years.

Εἰσίων χρηστέ |, χαῖρε. Καὶ σύ γε, | ὦ παροδεῖτα· |
ἀρτιφυὴς γὰρ ἐὼν | λείπω φάος ἠελίοιο,
θνήσκω δὲ ἐκπλήσας | τέσσαρα καὶ δέχ' ἔτη.

Note that the last two lines form a competent and correct elegiac couplet. The first line is different, however, and evenly divides into a half in prose followed by a half in hexameter. Interestingly, this line consists of an exchange of greetings between a passerby and the dead person. The passerby calls out in prose and the dead responds in meter. In the next line, the deceased continues speaking in dactylic hexameter and it is only in the third line (when the meter shifts to repeated dactylic hemiepes) that we realize that the second and third lines form an elegiac couplet. There is a clear and maybe deliberate juxtaposition of prose and poetry here that corresponds to the two interlocutors of a dialogue.[12] This is mirrored by a further shift within the metrical portion of the epitaph from the meter of epic to that of elegy. The dead takes over the epigram and almost all of it is indeed in his voice, but the use of prose for the passerby suggests that the passerby is not constrained by the poetic traditions of dactylic hexameter or elegiac couplets. The dead may dominate the epigram but the half line of prose allows a glimpse into a world of living people not required to speak in meter. The reader begins with prose and enters the world of poetry when the dead person starts speaking. There is some measure of cooperation here, in that the passerby is limited to saying as much as will fit in about the first half of this hybrid line, the second half of which will be given over to the poetic response of the dead. The passerby is thereby constrained in certain ways but free in others, while his interlocutor is free to respond in the space remaining for that line but must do so in verse.

There is a related phenomenon where words and phrases in prose precede and follow otherwise metrical inscriptions, with the prose sometimes connecting to the sense of the poetry and other times forming a distinct thought apart from the poetry.

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12 As Vérilhac 1978, 198 (volume 1) notes, "il arrive que l'épigramme soit inséparable, au point de vue du sens et de la construction grammaticale, du salut qui précède. L'auteur n'a sans doute pas cherché à faire un hexamètre; il a simplement glissé de la prose aux vers".

The poets are clearly aware of the bridge created between the prose and poetry since they refer to the displacement of the name within the epigram itself.[13] The first example dates from the second or third century CE and was found in Cyrenia (V119):

> After having lived the days of only nine years, I myself
> went to those underground, abandoning the sun, and
> leaving my father and mother in grievous tears; and as to my name,
> the prose will say who I was.
> Alas, good Charmos, greetings.
>
> Ἐννέ' ἐγὼ ζήσας λυκαβάντων | ἤματα μούνων |
> ἦλθον ὑποχθονίους, ἀέλι̣ | ον προλιπών, |
> ἐν δάκρυσιν γενέταν κ[αὶ μ]ατ̣έ̣ | ρα καὶ στοναχαῖσιν
> λείψας· οὔνομα δὲ ψιλ̣ὸς | ἐρεῖ τίς ἔφυν.
> (α)ἰα[ῖ] |, Χάρμε χρηστέ, χαῖρε.

The epitaph is carefully constructed. There is a playful appearance of anaphora with the identical initial syllables of the hexameter lines. The elegiac couplets form one long sentence, balanced by two clauses both ending with a participle from the related verbs προλείπειν ('abandon') and λείπειν ('leave'). The second participle spills onto the fourth line in an enjambement and the last clause stands apart, serving to introduce a further sentence that stands yet further apart by being in prose. In a remarkable moment of self-conscious reflection, a gulf between prose and poetry is set up by the narrator. The name of the deceased is omitted from the poetry but for the curious promise that 'the prose will tell who I was'. Note that the line of prose is not written in the voice of the dead but in fact constitutes an address to the dead. We have here a very brief imagined dialogue between the dead and a living passerby. This recalls our analysis of V128 in which an exchange of greetings between the dead and passerby also divided along the lines of poetry and prose. These modes clearly delineate different voices and more generally constituencies, one seemingly more appropriate for the living and the other for the dead.

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[13] There are some scattered extra prose words that do not have such direct syntactic relevance to the particular verse following. For instance, see V112, where the phrase ἐτῶν δ' ('four years') is written above the (iambic trimeter) verse epitaph, and V144 with its similar noting of the age of the dead child noted after the elegiac couplet. V183 preserves a more elaborate sentence in prose before the epitaph proper in elegiac couplets.

The use of prose as the vehicle for the name of the deceased is not unique to V119. In Vérilhac's collection, there are two other examples of similar displacements of the proper name out of the verses into prose inscriptions:

> The letters above say who I am and whose son I am.
>
> ὅστις καὶ τίνος εἰμὶ τὰ πρόσθεν γράμματα φράζε[ι]
>
> (V136.1; after 226–227 CE)

> and if you seek my name, you will know me in the first words.
>
> [οὔ]νομα δ' (εἰ) δίζησαι, ἐνὶ πρώτοισί μ' ε(ἰδ)ήσ[εις]
>
> (V141.3; second or third century CE)

Here we see the same banishing of the dead's personal name to a prose inscription just above the poetry. The prose inscriptions in these examples are not written as addresses to the dead but simply convey basic information about the deceased including the name. Clearly all three epigrams are thematizing some kind of divide between the worlds of prose and poetry and it is tempting to make this correspond to the worlds of the living and dead. While this displacement of the personal name from the poetry proper is not a common motif in the epitaphs for the prematurely dead, its three appearances in different locations[14] suggest that it is not completely idiosyncratic either.

Prose and poetry of course have some overlapping features, something the composer of V119 seems to emphasize. The prose line itself displays poetic features such as the triple alliteration of Χάρμε χρηστέ, χαῖρε, and the opening *callida iunctura* ((α)ἰα[ῖ] Χάρμε, 'alas, Charmos') that juxtaposes a cry of lament with a proper name that literally means 'joy' or 'source of joy'. Clearly there is some permeability between the realms of prose and poetry and this fits thematically with the idea that the dead can retain some sort of limited presence in the world of the living. However, the roles of passerby and deceased are clearly delineated by the differing degrees of freedom in their modes of speech. The passerby is free to speak in conversational prose whereas the deceased narrator is apparently compelled to always speak in elegiac couplets.

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[14] V136 was found in Athens, V141 in Rome, and V119 in the town of Cerynia on Cyprus.

4. *From the dead world of poetry to the living world of prose*

In V131, we see a different kind of freedom of voice. Virtually the entire funerary epigram is written in Homeric Greek with the sole exception of the last word, προγέγραμμαι ('I have been written/registered').[15] It is clearly significant that the one verbal innovation in a poem constructed with oral formulaic vocabulary should be a word meaning 'to write'. It is not surprising for such a verb to be absent in Homer,[16] yet to have that word be the one departure in the poem from epic diction is telling. It is worth noting as well that while the verb occurs occasionally elsewhere in Greek, this particular first-person form appears only here. With this one word, the voice of the deceased takes a unique and individual path, expressing a liberty and a freedom from the constraints of traditional epic diction. At the same time, this word expresses another kind of constraint as it ultimately reminds us that the voice of this dead man has been reduced to the limited words of the epitaph. The choice of verb, particularly the striking first-person form, suggests an awareness that the dead has been identified with that voice. Vérilhac translates it to mean that the man's name is written on the *stêlê*, but I think this misses the more radical sense in which the man has been reduced to his voice. προγέγραμμαι both signals the individual departure of the narrative from traditional poetic diction and also recalls that this departure is circumscribed by the very medium that the word evokes. The narrative can only depart so far from the genre of funerary discourse, and the use of this word could constitute an admission that in the end, the dead man has been written into a funerary tradition, coopted by a longstanding poetic tradition. His only departure from that poetic tradition is a word that refers to the very act of inclusive registration or enrollment.

The last two lines of the epitaph can bear a bit more scrutiny:

> And now waiting always, I lie under this *sêma* and I have been written onto the *stêlê*.
>
> … δ' αὖ προτιδέγμενος αἰεὶ
> τῷδ' ὑπὸ σήματι κεῖμαι καὶ ἐπὶ στήλῃ προγέγραμμαι.

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[15] This word appears only here in Vérilhac's collection and has an interesting range of meanings including to set forth as a public notice, to sell by auction, and to proscribe (used as the Greek equivalent of the Latin term *proscribere*).

[16] While the compound verb προγράφειν does not appear in Homer, γράφειν does occur but it never means 'to write', but rather 'to scratch or incise'.

The narrator accomplishes a kind of separation from his body reminiscent of Heracles' fate as described in the *Odyssey*.[17] While his body lies beneath the earth, his disembodied voice remains inscribed on the *stêlê* in the world of the living. Here the composer of the epitaph is dramatizing the process found in many epitaphs whereby the dead person becomes identified both with the burial mound and with the specific message on the epitaph.

Even though this is not a typical epitaph, it makes explicit a theme underlying many of them, that the dead is reduced to his voice, and only a very limited speech or instance of that voice.

5. *Paradoxical voice and voicelessness in epitaphs*

Many young dead complain that they were just starting to experience life when Fate snatched them away. Consider, for instance, the following lament of a young boy (V79.3): 'ill-fated, and I did not even have the knowledge to touch upon the life of mortals' (δύσμορος, οὐδ' ἐνόησα βροτῶν ψαῦσαι βιότοιο).[18] In some cases, the young dead complain specifically that they were just on the verge of becoming educated or had just completed their education but clearly will not be able to make use of it. For example, V62B (first century BCE) describes a young ephebe who had become educated (line 2): 'he lies here, having come to know to the highest point the wisdom of the Muses' (κεῖται, τὴν Μουσῶν γνοὺς ἐπ' ἄκρον σοφίην). As if to give proof of this education, there follows a separate funerary poem in the voice of the boy Attalos. Interestingly, the boy addresses the passerby and then performs a dialogue that includes his own responses to hypothetical questions that the passerby might think to pose. The young dead is apparently so eager to demonstrate his own mastery of poetic discourse that he dominates the poem, taking both parts of a short dialogue and thereby robbing the passerby of his own words. This is clearly a playful attempt to address the issue of freedom and constraint of speech within epitaphs. The dead wish to engage the living and insert their voice into the land of the living but in some cases do this to the exclusion of the living reader's own voice.[19]

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[17] Homer, *Od.* 11.601–604.

[18] For more epitaphs in a similar vein, see V126, V138, V139, etc.

[19] In one instance, the deceased requests that his father forget about him and thus the deceased is here using his voice to request oblivion (V181, line 2): 'live and forget

V63 preserves another epitaph in the form of a dialogue that the dead person has with himself. In this case, there is a very brief narrative frame in the form of a single second-person verb form (εἴρῃ 'you ask') that acknowledges the presence of a passerby. The rest of the epitaph is a series of questions and responses, all posed in the first person. Consider this exchange as typical (from line 2): 'From what did I die? From fever' (Θνήσκω δ' ἐκ τίνος; Ἐκ πυρετοῦ). At one point, the question of age and education arises and we see the following (V63, lines 3–5):

> And at what age? Thirteen. Was I uncultured?
> No, not completely, but I was not greatly loved by the Muses,
> and I was especially of concern to Hermes;
>
> Κἀπὸ πόσων ἐτέων; Τρισκαίδεκα. Ἆρά γ' ἄμουσος;
> Οὐ τέλεον, Μούσαις δ' οὐ μέγα φειλάμενος·
> ἔξοχα δ' Ἑρμείᾳ μεμελημένος·

In a nice use of the rhetorical figure litotes, the deceased acknowledges that he is indeed not completely uncultured but he is still disappointed that his devotion to the Muses did not result in any protection for him from the attentions of soul-escorting Hermes. The narrator goes on to inform us that he won garlands in competitions often, although it is unclear whether the contests were primarily poetic or athletic. The deceased is performing here his poetic expertise while at the same time claiming its ultimate uselessness to him in matters of life and death. These epitaphs written as dialogues with the dead[20] are all the more interesting when we consider the traditional expectation that these epitaphs will be read aloud. This poem only exaggerates the general way in which the passerby must temporarily give up her own voice in order to speak in the voice of the dead.[21]

In the epitaphs under consideration, the dead are clearly depicted as having completed their education and they are using it in the epitaphs to speak fluently in the measured and controlled language of poetry.

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me; I will no longer be of any use to you' (ζῶν δὲ λάθου· ὄφελος δ' οὐκέτι σοι ἔσομαι). The irony here is clear, however, since such a sentiment has been written on a stone monument and left to be read publicly by anyone wandering by the grave.

20 For more epitaphs phrased as dialogues between the living and the dead, see V64, V128, V143, V170. For an interesting variation on this theme, see V154, which is pitched as a dialogue with the gods about the deceased.

21 The motivation for keeping both questions and answers in the first person may simply be that it would in fact be simpler for the reciting passerby. There would not be any of the shifting voices and potential confusion such as we saw in the earlier epitaphs from the archaic and classical periods.

The complaints of not having enough time to become educated are belied by the authoritative voice narrating this lament and claiming to be the deceased. We must ask to what extent does the presence of such poetic pronouncements in meter and with high-flown diction elevate the presence and reputation of the dead? These depictions of last speeches are perhaps more measured and elegant than was typical for the deceased. This is clearly the case with the young children who die prematurely. These epitaphs trade on a sense of potential never realized in reality. The child presumably could eventually have grown up and become quite articulate, able even to say or write sentiments like those in her own epitaph, but the fact remains that the child never did develop to the point where such words were possible. An extreme example of this is V117 in which the voice of a six month dead infant laments his fate in respectable elegiac couplets.

In an interesting variation and possible response to this sort of complaint about being taken away while becoming educated, V78 preserves two separate poems related to the death of a young boy. The first poem purports to be an authentic 40-line poem actually composed by the boy for a poetic competition. This is unique in the epitaphs for the prematurely dead in that the fiction of a first-person epitaph is laid aside and we hear directly from the dead. The second poem is a more typical epitaph written in the voice of this same boy and makes references to the previous poem as evidence of his devotion to the muses. The boy laments that even such extraordinary devotion to literature and a careful life did not shield him from the cruel clutches of Fate. The levels of discourse multiply further when the boy, wishing to demonstrate his mastery of poetic discourse dictates a new bit of poetry and requests that the passersby recite this after crying for him.[22] This amounts to an epitaph within an epitaph and recalls the earlier epigram we analyzed for Mnesitheos in which the dead paused in the middle of his speech and suggested the wording for his own epitaph.

[22] V78B, lines 5–10 (dating from a little after 194 CE): And I beg of you, stand here for the sake of a child who has fallen, / so that you may understand the eloquence of my impromptu writing, / and after shedding tears, recite from a fair-spoken mouth only the following words: / 'may you be admitted into the Elysian land, / for you left living songs which Hades / will never take away with his jealous hand'. (λίσσομαι ἀλλά, στῆθι δεδουπότος εἵνεκα κούρου, / ὄφρα μάθῃς σχεδίου γράμματος εὐεπίην, / εὐφήμου καὶ λέξον ἀπὸ στόματος τόδε μοῦνον / δακρύσας· εἴῃς χῶρον ἐς Ἠλύσιον / ζωούσας ἔλιπες γὰρ ἀηδόνας, ἃς Ἀιδωνεὺς / οὐδέποθ' αἱρήσει τῇ φθονερῇ παλάμῃ.) For another epitaph in which the deceased tries to tell the passerby how to act, see V28.

The occasional lament of losing one's voice in death quite explicitly brings out the paradoxes inherent in epitaphs written by the living but posed in the voice of the dead. Consider the following excerpt from a second-century CE epitaph:

> My name is Aelian, but I went into the ground voiceless;
>
> οὔνομά μοι Αἰλιανός, ἀτὰρ ἤλυθα γαῖαν ἄναυδος· (V109A, line 1)

This word 'voiceless' (ἄναυδος) is part of an epitaph for a two year old child. In most ways, he did indeed die without having had the time to develop his own voice. The epitaph is a rare chance, however, for just such expression and the entire epitaph is written in the child's own voice. He is quite literally given a voice with which to bemoan his lack of a voice. Such paradoxes have parallels in Greek poetry, such as Sappho's famously eloquent description of how her tongue has broken or grown numb.[23] There is a clear sense in which the lost spoken voice can be substituted with a permanent written approximation of that ephemeral spoken voice. The permanence of writing and the obvious fragility of the spoken voice are being contrasted here through an interesting slippage concerning what exactly constitutes a voice for the deceased.

At least two other epitaphs make similar use of the word ἄναυδος and I quote the relevant lines here:

> Here I lie voiceless, breathless, and from a strange land, here I lie.
>
> Ἐνθάδε κεῖμε ἄναυδον,[24] ἄπνουν, ξένον, ἐνθάδε κε[ῖμε],
> (V125.1, second or third century CE)

> I myself, Antoninus, lie under this tomb voiceless.
>
> Ἀντωνεῖνος ἐγώ, | κεῖμαι δ' ὑπὸ τύμβον ἄ|ναυδος: (V198.2, 193 CE)

In both examples, the narrator establishes a first-person narrative and then describes himself as being voiceless. In the second example, the placement of the word 'tomb' (τύμβος) next to the word ἄναυδος may suggest some kind of analogy between the dead and the mute *stêlê*.[25]

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23 Sappho 31.9: 'but my tongue has broken' (ἀλλὰ κὰμ μὲν γλῶσσά μ' ἔαγε).

24 The word is neuter here because the deceased describes himself in the next line as a παιδίον 'child'.

25 See the first two lines of V94A: I am a mute stone, but by these letters I shout out, / passerby, so that you may learn whom I have in my sides (κωφὴ μὲν λίθος εἰμί, βοῶ δ' ὑπὸ γράμμασι τοῖσδε / σοί, παροδεῖτα, μαθεῖν ὅντιν' ἔχω λάγοσιν.)

Note that the first and perhaps most important descriptive quality the dead gives himself is the lack of a voice. Clearly the deceased has in all three epitaphs a certain type of voice but it is admittedly one given to them by the living who control every part of these utterances. As we saw in the earlier epitaphs, these young dead in a limited way get another voice after life, and in the case of young girls, they get a public voice to begin with, something they probably would never have had while alive. In addition, since they are generally speaking in the language of meter and poetry, they are placed in the elect and mostly male company of poets. Furthermore, given that most of the language and much of the meter (half of each elegiac couplet, after all) is that of epic, perhaps it makes sense to compare this to the epic choice whereby someone can choose eternal glory in exchange for a short but virtuous life, with the important difference, of course, that these dead never had the opportunity to make that choice. Young women appear to break into a male world of poetry and *kleos* and have a public voice that will outlast all of their peers, fellow women who lived longer but whose voices died with them. Similarly, when an epitaph is placed in the voice of a deceased three-year-old child, the poetry serves to tie him to this timeless world of poetry and *kleos*. The child has in a sense become part of the poetic tradition and thus participates in eternity. Of course, the freedom given in these epitaphs is illusory since the parents or a hired poet are writing her script and they are ultimately just one more reminder that the deceased never had a chance to speak for herself.

6. *Speeches over dead bodies*

These first-person narratives keep the focus on the thoughts, ideas, and memories of the living and dead. They are rarely about the body itself. The body is below the monument and is left there. The person's voice is disembodied and we think only of what they say, not of the body that originally produced that voice. The body in a way gets buried (or disembodied) twice, first at the funeral and again each time the voice resurrects the idea of the person. The idealized statues frequently found atop burial mounds from many different periods and places all contribute to a forgetting of the deceased's particular ephemeral body. There is only one epigram in Vérilhac's collection (V105) that focuses in any detail on the physical body of the

dead[26] and it depicts a certain amount of anxiety that the passerby may not stop but be put off by a fear of a decomposing body. In an extended four-line attempt to gain and retain the attention of the passerby, the deceased assures the living that there is no terrible odor (δυσωδία) emanating from his resting spot. He repeats and emphasizes the point with a striking *callida iunctura*, asking the passerby to 'stop and listen a bit to this fragrant corpse' (105.4 σταθεὶς ἐπάκουσον ὀλίγον *εὐώδους νεκροῦ*). This line also blurs the senses of smell and hearing, asking the living to hear a fragrant body speak. The very exceptional nature of this epigram only serves to reinforce how the usual epigrammatic focus on the voice and thoughts of the body effectively erases thoughts of the decaying body and replaces such fears with unchanging and eternal words literally set in stone. The words of the dead inscribed on the epitaph are not constrained by the breakdown of the all too short-lived body. Here again is a contrast between freedom and constraint in speech.

At the end of the epigram, the narrator returns to the theme of assuring the passerby that he carefully made arrangements to avoid unclean and malodorous objects with the express purpose 'that you may not flee me as you would other dead bodies' (ἵνα μή με φεύγῃς οἷα τοὺς ἄλλους νεκρούς). This is the 26th and last line of this epitaph written in iambic trimeter, and so note that the very last word is 'dead bodies', the reality of which these epitaphs usually avoid mentioning except to say that the bodies are safely beneath the ground. There may be some humor here in that by the time the passerby gets to the 26th line, he clearly has not been driven off by any such concerns about the physical presence of death. The fact that the epitaph is unusually lengthy may represent a symbolic attempt to get the passerby to confront the reality of death for longer than it would take to read a few elegiac couplets. There is just such a pair of elegiac couplets found below the larger inscription and here too the emphasis is on mortality and not commemoration. The last word of the elegiac couplets is θάνατος ('death') and in the second line the deceased reveals his opinion about laments: 'we do not delight in laments for the dead' (τοῖς νεκρῶν θρήνοις οὐκ ἐπιτερπόμεθα). In what is perhaps an attempt finally to soften the impact of death, the last line invokes and puts next to θάνατος the poetic adjective λυσιμελής ('limb-loosening') which in the lyric poets is more usually

[26] V194 does mention the bones and flesh of the body but does not pursue this theme any further.

associated with love.[27] By having the word 'death' agree with a word connected more with love, death has once again been subtly erased from view or at least clouded by other associations we have for the accompanying adjective. Death emerges as a topic about which one is free to speak, but which is at times softened or constrained in the end.

7. *First and last words of the dead*

As is clear from our analysis above of V105, clever word placement and the manipulation of stylistic registers can be used to achieve the appearance of narrative freedom that is still within the constraints of meter or poetic genre. I would like briefly to expand our discussion to other types of word play as I think they all are important ways to heighten the tensions between freedom and constraint of discourse in epitaphs (particularly those epitaphs written in the voice of the dead of course). I begin with significant first words. Just as is the case with many ancient poems, epitaphs may begin with a thematically significant word or phrase. We earlier analyzed the fifth-century BCE epitaph for Thessalia which began with the word νήπια ('young'). The masculine form of this word, νήπιος, is used as the first word in later epitaphs as well, such as V106 and V123.[28]

As we saw above, epitaphs for the prematurely dead can also end with a similarly meaningful verbal choice. We have already seen this with our analysis of V131B where the last word, προγέγραμμαι ('I have been written'), represented a dramatic departure from the preceding Homeric words and images of the epitaph. Several epitaphs seem to suggest a parallel between narrative and life paths and conclude appropriately enough with a word such as 'death' (θάνατος, V105B, V175), 'corpses' (νεκρούς, V105A), or 'dead' (τεθνεώς, V64). The last word of V136 is 'life' (βιότου), which might initially seem to point in a different direction until one considers that the second-to-last word

[27] For examples in lyric poetry of the adjective λυσιμελής ('limb-loosening') describing love, see Archilochus 85 and Sappho 40. It is used in the *Odyssey* to describe sleep (*Od.* 20.57, 23.343). For the connections between sleep and death, see Albinus 2000, 90–96.

[28] See also V197.3 where νήπιος is used in enjambement as the first word of the second elegiac couplet. The word νήπιος may be present more covertly in V120 in the following phrase: ὀρφανοῖσιν *ἤπιος*. Pronounced in sequence, the movable *nu* could easily be mistakenly put with the next word and thus create νήπιος.

is 'having stopped from' (παυσάμενος). There is something similar in V111, an epitaph which begins with the word 'now' (νῦν) and ends with the verb 'to live' in the aorist tense (ἐβίωσα). Both V114 and V121 end with the same word for 'pain' (ὀδύνης).[29] As a few final examples, consider V64 which ends with the word 'hidden' (κευθόμενα), and V68 which concludes with a word meaning 'to leave' ('I left' λ̣ίπ̣[ον]).[30]

As we saw above in V105 (εὐώδους νεκροῦ) and V119 (αἰαῖ χάρμε), *callida iunctura* is a rhetorical figure invoked upon occasion. There are several other instances of this in Verilhac's collection and I would like to look briefly at a few representative examples. First, in V127, parents are lamenting the loss of their young son. In a reversal of natural law, they had to place the young child in a tomb intended for older members of the family. Continuing the theme of reversal, the composer of the epitaph notes that the parents buried the son whom they nourished and here we see the antithesis along with some other interesting verbal artistry (V127.3): 'his relatives and parents together buried the one whom they reared' (συνγενέες γενέται τε | ὁμοῦ ὃν ἔθρεψαν ἔθαψαν). By way of contrast with the expressed sentiments of upheaval in the natural order of things, the poetic line itself is in form well balanced with two nouns at the beginning and two verbs at the end. The parents were still bringing up their child and they did not expect that they would have to bury him so soon. The unnatural closeness in time between the activities of nourishment and burial is expressed spatially by placing the two contrasting verbs side by side, and perhaps also the similarity in the appearance and sound of the two verbs adds to the effect. The emotional closeness of the remaining family members is also suggested by the physical proximity of συνγενέες and γενέται. These two types of closeness are themselves emphasized and likened by the word ὁμοῦ ('together'), placed right in the middle of the line with a two-letter word on either side of it.

The second example of *callida iunctura* appears in V104C, a first or second century CE epitaph in which parents are lamenting the loss of their daughter Tryphera. The last two lines are as follows:

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[29] The repetition of ὀλίγην … ὀλίγης in the final line of V121 may also constitute a pun on the adjective λιγύς which can be used in the context of sharp, piercing cries of lamentation.

[30] For another interesting example of significant first and last words, see V122 in which the epitaph for a four year old child has παῖδά με τεθνειῶτα ('me, a dead child') as its first words and ἡμέρας ('days') as the last word (emphasizing the short span of the child's life).

> … the tomb (holds) the always lamented Tryphera, who,
> after greatly delighting her parents, encountered the hated god.

> τύμβος, ἀείκλαυστον Τρυφέραν, ἣ πολλὰ τοκῆας
> τέρψασα στυγεροῦ δαίμονος ἠντίασεν

First notice that the tomb appears in enjambement at the front of the line, placed next to the daughter and her parents. The antithesis occurs at the beginning of the last line, where the daughter's previous success at delighting her parents is contrasted with the hateful nature of the underworld deity that she encountered. Note also that the parents are named at the end of the hexameter line and the daughter's capacity to delight them is placed directly after this as the first word in the second line of the elegiac couplet. Clearly the physical placement of words in these epitaphs can replicate themes therein. As a last example of this rhetorical figure, I mention a late literary sepulchral epigram in which 'the blooming youth of the deceased was changed into fruitless dust' (V74.5–6: ἐς δὲ κονίην/ ἠμείφθη κενεὴν εὔσταχυς ἡλικίη). In the Greek, the words κενεὴν ('fruitless') and εὔσταχυς ('blooming') are juxtaposed, a collocation which emphasizes the tragic loss of someone so young.

This is not by any means an exhaustive list of the rhetorical devices by which the epitaph writers manage to create additional poetic effects without deviating from the constraints of meter. There are also instances of chiasmus, such as the following line from a second-century CE epitaph (V122.3): 'I left a great sorrow for my father and my suffering mother' (πατρὶ τ' ἐμῶι μέγα πῆμ' ἔλιπον καὶ μητρὶ ταλαίνηι). Note that the mother and father here surround the dead son whose presence is announced both by the first-person verb form in the middle of the line and by the two slightly disguised appearances of the first-person personal pronoun με. I have been arguing that word play is another way in which we can see the tension between verbal freedom and restraint. Word play functions as a disruption from the constrained metrical speech of poetry, but one that ultimately underscores the presence of that constraint and the difficulties of transcending it.

8. *Free speech in the first person*

It is an anthropological truism that by studying the margins of a culture, the center comes into better focus as well. By definition, the speaking dead constitute an extreme case of liminality in which figures hover

at the threshold between life and death, public and private, freedom and constraint. Given that the living are in fact the composers of these speeches, it makes sense that analysis of the epitaphs will reveal how the Greeks envisioned the relationship between the living and the dead, and what the eventuality of death will ultimately confer on the living.

Before approaching the larger question of the living's expectations and anxieties about their own freedom of speech, I will first consider the extreme case of the dead and their apparent freedom of speech as manifested in these first-person discourses. The question needs to be asked why the dead were ever given this unusual discursive opportunity. This issue needs to be approached from a variety of perspectives; I begin by speculating on the relevance of writing practices in the archaic period.

It could be argued that the early first-person sepulchral inscription is simply another example of the early archaic Greek tendency to write in the first person, as can be seen in the pots and vases with the legend 'X made me'. Some of the very earliest examples of Greek writing are potters' inscription of this sort[31] and the famous so-called Nestor cup from Pithecusae also begins with a first person declaration in the voice of the cup: 'I am the cup of Nestor …'[32] This tendency to lend the appearance of a voice to inanimate objects might have its origins partly in oral curses or magical imprecations which began with an identification of the human curser and then proceeded to the matter of the one cursed and the alleged crime.

Much of early Greek writing consisted of declarations or markings of property ownership and this may also be part of the reason for the sepulchral inscriptions being put into the first person. The first-person claim on a *sêma* may have been a variation on the proprietary theme in that the artisan is not being identified on the *sêma* (as is the case for the cups and vases) but rather the dead 'patron' who in a sense inspired or indirectly commissioned the work. There is a short epitaph dating

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[31] As Thomas 1992, 56–61, notes, there are some pottery fragments found at Pithecusae (in Southern Italy) from about 740 BCE which make use of this formula 'I am of … (and a name in the genitive).' See Johnston 1983, 63–68. For extensive studies of 'speaking' objects, see Burzachechi 1992, 3–54; Häusle 1979, 23–139. For literary depiction of talking statues in a variety of Greek genres and authors, see also Kassel 1983.

[32] It should be noted that the inscription requires some restoration in the word *e[im]i* ('I am') but this certainly seems a plausible solution. See Jeffery 1961, pl. 47.1.

from around 500–485 BCE that exhibits phrasing in terms of marked property: τᾶς hαγία θυγατρός εἰμι / Καπρογόνο ('I belong to the pure daughter of Kaprogonos').[33]

The tendency to personify objects continued on through the classical period as the familiar boundary stone (c. 500 BCE) in the agora can attest: 'I am a boundary post of the agora.'[34] Since the archaic funerary statues and classical *stêlae* were not renowned for their realistic portraiture, any kind of presence or impression of continuing life had to be accomplished through the speeches given in epitaphs to both the dead and the burial monuments themselves.[35]

All of these instances of talking objects present useful parallels to the speaking dead, but their relevance is limited for the most part to the archaic period in which a variety of objects were personified. This would help to contextualize perhaps the initial impulse to place these

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[33] Pfohl 1967, 172; this was found in Megara Hyblaia. There are also several epitaphs that expressly combine the claim of ownership and the craftsman's signature. One Sicilian epitaph dating from around 525 BCE reads as follows (Pfohl 1967, 166): Πασιάδαϝο τὸ σᾶμα. Κράτες ἐποίε ('[I am] the monument of Pasiadas. Krates made [me]'). Consider also the *stêlê* for the grave of Archias and his sister (*CEG* 26) which, after mentioning that the *sêma* belongs to them, seems to name both a builder of the *sêma* (second line), and a person responsible for setting up *the stêlê* on top of the burial mound: 'This is the *sêma* of Archias and his dear sister / and Eukosmides made this fine *sêma*, and / the wise Phaidimos set up a *stêlê* on it' (τόδ' Ἀρχίο 'στι σε̃μα κἀ|δελφε̃ς φίλες / Εὐκο|σμίδες δὲ τοῦτ' ἐποί|εσεν καλόν, / στέλε|ν δ' ἐπ' αὐτõι θε̃κε Φαίδιμοσοφός.) This epitaph is unusual for the number of contributors mentioned on the stone itself.

[34] ὅρος εἰμὶ ἀγορᾶς. Greek literature abounds with examples of animated objects, beginning with examples from Homer and Hesiod and going through Euripides and Plato. In Homer, Hephaestus creates mechanical serving girls (*Il.* 18.417–420). Pandora stands as a clear example of an ensouled but manufactured being in both of Hesiod's epic poems (*Op.* 61–64, *Th.* 571ff.). Plato mentions the apparently moving statues of Daedalus at *Euthyphro* 11d. Of course, the statue is sometimes envisioned as not being quite human enough. In Euripides' *Alcestis* 348–354, Admetus talks of the cold comfort to be gained by hugging a statue of Alcestis in bed.

[35] The Greeks were not the only people to have envisioned this kind of blurring of inanimate and animate. A Mesopotamian ritual culminates with the priest speaking into a statue's ear and pronouncing the god to be free. See Steiner 2001, 114. Furthermore, Roman slave collars present an interesting contrast in that the words borne involuntarily by the slaves do not vivify but in fact restrict and harm their bearers. The inscriptions on the collars are frequently written in the first person but contain sentiments which the slaves certainly would never willingly utter, such as the following: 'I have run away. Capture me. When you have returned me to my master, Zoninus, you will receive a reward' (*CIL* 15.7194, translated by Shelton 1998, 177). Given that slaves were sometimes classed as things and not humans (e.g., Varro, *R.R.* 1.17.1 describes slaves as 'articulate instruments' and compares them to other sorts of inarticulate and mute instruments such as oxen and carts), slave collars seem analogous to the archaic Greek first-person inscriptions expressing ownership of objects.

epitaphs in the voice of the dead. The early epitaphs we examined constitute a transitional space between animated objects and the freedom of speech allotted individual dead. The shifting of voices indicates that these epitaphs are a contested discursive space in which the *sêma*, the family, and the deceased person all vie for the freedom to speak. Given that literacy is just starting to take hold when these archaic epitaphs are being written, this competition betrays larger cultural concerns over whose voice should take precedence and what long term effects such preservation through writing might engender. There is still a question about who or what should be free to speak to future generations of the living.

9. *The fear of gaining ghostly voices*

There is cultural concern about the dead retaining the freedom to speak even if they are constrained in what they are able to say. A more dire concern surrounds the decay of the dead's voice. The literary sources contain some speculation about whether the dead in fact have full voice and what their insubstantial voices might sound like. Clearly the dead at some point lose their voices and have only weak, squeaky imitations left to them:

> *Il.* 23.100–101
>
> the ghost slipped underground like a wisp of smoke … with a high thin cry. (tr. Fagles)
>
> … ψυχὴ δὲ κατὰ χθονὸς ἠΰτε καπνὸς/ ᾤχετο *τετριγυῖα*
>
> *Od.* 24.9
>
> So with their high thin cries the ghosts flocked now. (tr. Fagles)
>
> ὣς αἱ *τετριγυῖαι* ἅμ' ἤισαν …

In the lines directly preceding the second passage, Homer compares the high thin cries of these souls of the dead to the sounds that bats make, using once again this same verb.[36]

[36] The form in 24.5 is τρίζουσαι—note that this verb is used almost exclusively to describe the high-pitched screams of birds, bats, and shades of the dead. Recall also that Hesiod describes death as λαθιφθόγγος (*Sc.* 130–131): 'and there were many chilly arrows within, bringers of voice-robbing death' (πολλοὶ δ' ἔντοσθεν ὀιστοὶ/ ῥιγηλοί, θανάτοιο λαθιφθόγγοιο δοτῆρες). Unfortunately, *lathiphthongos* appears only in this

The epitaphs are clearly not subject to this decay in the voice of the dead and the choice of the first-person narrator may in part be designed to obviate this problem. The passerby will be providing the physical voice needed to amplify the words written on the *stêlê*, and so the state of the physical voice of the dead is not really relevant in this discursive situation. The dead's freedom to speak is assured so long as the epitaph remains legible and there are curious travelers along the road. We have seen several epitaphs that directly address this concern about whether the dead in fact have a voice. When the deceased declares that he is ἄναυδος ('voiceless') but then continues on with his speech for several more lines, we must wonder why he would make that claim. The epitaphs are in part a response to the folk belief and literary motif that the dead lose their voices. By phrasing these permanent messages in the voice of the dead, the Greeks can have a concrete way to supercede these particular fears and retain their confidence in the dead's continuing freedom to speak.

10. *Silencing the restless dead*

It is a striking fact that of the 201 epitaphs for the prematurely dead in Vérilhac's edition, 107 are written in the voice of the dead, while another 20 are written as addresses to the dead.[37] Given that so many of our examples, both early and late in date, come from the untimely dead, it seems important to ask whether the Greeks were particularly interested in hearing what the untimely dead would have to say to them. As Sarah Iles Johnston has persuasively argued, the restless dead, of which the untimely dead constitute a large percentage, are always a danger to the living and their attacks could take many forms but they were mostly thought to be responsible for causing madness and many types of mental disturbance.[38] This is significant in that the voice of the dead in the epitaphs in question will be used for precisely the

Hesiodic passage. LSJ defines the word as 'robbing of voice' but given that it is a *hapax legomenon*, the meaning of the word is somewhat uncertain. Since the *lathi* root produces words meaning 'forgetful' (e.g., *lathiphrosunê*, 'forgetfulness'), perhaps the phrase can be translated as 'death which makes one forgetful of voice'.

[37] The following epitaphs in Vérilhac are written as second-person addresses to the dead: 16, 34, 44, 58, 60, 62, 78C, 90, 108, 130, 135, 163, 172, 173, 174, 174A, 177, 178, 195, 200.

[38] Johnston 1999, 142–148, 158–160.

opposite function, namely to comfort and assure the living that they have nothing to fear from the dead. Inasmuch as the dead were thought to have attacked the living primarily through mental disturbances, it might have seemed particularly appropriate and reassuring for the living to hear the dead speak calmly and happily about their own peaceful state of mind. If the dead were not obviously disturbed, bitter, or unhappy, then there would be no reason for the living to fear them. By projecting a serene state of mind onto the dead, the living themselves could avoid fear and their state of mind could similarly retain a certain balance or comfort. However, tombstones would also function to prevent creating the restless dead even in the cases where the sentiments expressed are angry or resentful, since these hostile emotions are directed not at the surviving family members but rather at the impersonal and divine forces of Fate and Hades.[39]

Several of the epitaphs under consideration in this paper are in the voice of young maidens and it is thus important to note that female ghosts of those who died young or violently were particularly feared and reviled among the Greeks. Although many of the stories about such ghosts seem suspiciously similar, still many Greeks could have feared that their own deceased children might become one of these restless spirits haunting the living and generally spreading mischief and misery. Humphreys notes that young adults were the largest group of persons for whom archaic funerary monuments were set up in Attica.[40] It has also been pointed out that the unmarried dead are one of the most commonly lamented groups in Greek epitaphs, and so it does not seem much of a leap to assume that the living may have worried about the happiness of such souls who had failed to complete a normative life-

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[39] For a good example of the deceased seemingly identifying himself as a potentially restless dead, consider the following epitaph which opens with an address from the dead to the Stygian deities (V182.1–4): You who inhabit the Stygian region, noble deities, / receive into Hades also me, so pitiable, / who was not snatched away by a decision of the Fates, but rather by a violent and / sudden death due to an unjust anger; / (Οἳ στύγιον χῶρον ὑποναίετε, δα[ί]μονες (ἐσ)θλοί,| / δέξασθ᾽εἰς Ἀίδην κ(αί) με τὸν οἰκτρότατον,| / οὐ κρίσει ἐγ Μοιρῶν ἡρπασμένον, ἀλλὰ βιαίωι | / αἰφνιδίωι θανάτωι μήνιος ἐξ ἀδίκου· |) In referring to his death as violent and sudden (βιαίωι αἰφνιδίωι θανάτωι) the deceased makes a clear reference to both the *biaiothanatoi* (the violently killed) and the *aôroi* (the ones who died before their time), two of the most important categories of the restless dead. The narrator concludes by telling his parents not to mourn him excessively, a request which only highlights the untimely nature of his death, since his parents are in the unnatural position of having to outlive and mourn their own son.

[40] Humphreys 1980, 104.

cycle on earth.[41] Thus, if these epitaphs do in fact function partly to prevent the dead from becoming restless, then this would only serve to highlight the necessity of constraining the dead's speech while at the same time making that speech seem free and voluntary.

11. *Conclusion*

In the end, the bestowal of voice on the dead reveals a gift economy[42] implicating in particular the epitaphs for the prematurely dead. They die and generate a certain set of obligations for the family and this debt is repaid with the gift of eternal and seemingly free speech. It is particularly appropriate to gift them with a mature public voice, something they never had the opportunity to use in life themselves. By giving such gifts of voice, regardless of all the necessary qualifications and limitations, the living in turn seek to make the dead indebted to them.[43] In the ideal case, what results is a relationship of reciprocity in which the living give the dead eternal voice and the dead speak only what the living want to hear.

The gift of voice here is also deceptive in that it only permits for certain types of speech both in terms of form and content. The living do write epitaphs in which the dead express frustration for having been snatched away too soon, but, as mentioned earlier, the aggression, frustration, and anger are by and large directed at gods and impersonal forces such as Fate;[44] in such cases, the gift of voice might better be termed a bribe in that one hopes that the exchange will result in a peaceful soul instead of a potentially restless ghost.

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41 Garland 1985, 87.

42 The Greeks of course have not been the only people to generate this kind of gift economy. Bourdieu 1977, 192–197, discusses the mechanisms of such an economy. He is talking about the transformation of physical capital into symbolic capital, and concludes that the gift is a form of domination. Gifts are creating indebtedness and this creates networks of people tied to one another by a series of gifts and attendant obligations.

43 Consider, for instance, V53, in which the deceased reassures the living that he didn't suffer any violence before death—as if to ward off fears of his return as one of the restless dead.

44 See, for instance, V101, V104, V144. Even when the dead seem quite angry at everyone concerned, they curb their anger in the end. See V76 and V77 where we see unusually angry young dead, one of whom even names and reproaches Clotho herself. These young dead follow their angry outbursts with conciliatory and compassionate pleas to the parents that they be moderate in their lamentations.

These epitaphs ultimately give to the living the freedom to speak about death, a difficult topic and one more easily approached indirectly. By keeping alive the relationship of the living and dead through the gift of free speech, the living ensure that their own deaths will not be silent and forgotten. In writing these speeches for the dead, the living are not only commemorating those who died in the past but also creating the parameters for their own futures when they will take up the other role in that dialogue between life and death.

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CHAPTER FIVE

WOMEN'S FREE SPEECH IN GREEK TRAGEDY

Hanna M. Roisman

In memory of Judy Ginsburg, my friend

1. *Introduction*

Athenian democracy prided itself on the right of *isêgoria*, equal access to public speech before the city's political institutions on the part of all citizens. It also prided itself on the right to *parrhêsia*, roughly translated as free and frank expression, which, in about the second half of the fifth century, came to be viewed as part of *isêgoria*.[1] While *isêgoria* referred to the right to address the polis' governing bodies, *parrhêsia* referred to the content of what could be said and included the right to criticize both persons and policies, and to censure, admonish, berate, shame, and insult one's fellow citizens and the leaders of the polis. According to Jeffrey Henderson, *parrhêsia* was so 'essential in maintaining the integrity of the democratic system … that it could be considered not merely a citizen's right but his moral obligation'.[2]

The right to *parrhêsia* was circumscribed, as was the right to speak in public. By definition, both *isêgoria* and *parrhêsia* were conceived as means of promoting the public good and not as vehicles for slandering or abusing fellow citizens or public leaders, or for venting personal emotions or opinions that did not further the public good. Speaking against the gods and to the danger or detriment of the state were both forbidden. More central to the concern of this paper, both were male rights. *Isêgoria* was restricted to male citizens. Women, along with slaves and aliens, did not participate in the democratic process and were not permitted to speak in the courts, council, or Assembly—the

[1] McClure 1999, 9 and footnote 22: 'By the second half of the fifth century, the concept of *isêgoria* was expanded to include the more general idea of *parrhêsia*, a concept that stressed "the necessity and validity of individual freedom of thought", rather than simply a shared access to public speech'.

[2] Henderson 1998, 256. See also Monoson 1994, 174. In practice both *isêgoria* and *parrhêsia* were more available to the elite than to the lower classes; see, for example, Henderson 1998, 258. For a different view on Greek 'rights', see Carter, this volume.

public forums in which the civic identity of their male counterparts was consolidated. Without *isêgoria*, there was little chance for Athenian women to exercise *parrhêsia* in the public realm and with regard to public issues.

It is thus no wonder that, for all that has been written in recent years about women's speech and silence in ancient Athens, very little has been written about their *parrhêsia* —and that largely in passing. The scholarship deals mainly with the various types of women's speech (e.g. lamentation, *aiskhrologia*, girls' and women's choruses, gossip) and the situations in which it occurred (e.g., festivals, worship, in the home). Indeed, these are matters that can be readily gleaned from the ancient sources, while matters relating to women's free and frank expression on public affairs cannot.[3]

This paper will venture into this unexplored realm to examine the attitudes toward women's *parrhêsia* that appear in five Greek tragedies, in which women openly speak their minds on public matters: Aeschylus' *Seven Against Thebes* and Sophocles' *Antigone*, which deal with the House of Labdacus; Aeschylus' *Agamemnon*, and Sophocles' and Euripides' *Electras*, which deal with the House of Atreus. With the exception of Aeschylus' *Septem*, none of the plays raises directly the question of women's, or anyone's, right to free and frank speech, or deals directly with the value of women expressing their views on public matters. In only one play, Euripides' *Electra*, is the term *parrhêsia* mentioned, and that only twice (1049, 1056), and with little development. All of these plays, however, feature strong, outspoken women, who speak and act against the ruling powers. The prominence given to such women in these plays does not stem from the myths themselves, which the playwrights shaped to the form that we know today, but reflects the authors' deliberate choices.[4] The very fact that defiant and freely speaking women are at the center of all of these plays is thus significant in and of itself. My claim is that the plays reflect, among other things, the concerns of the Athenian polis with women's free expression on public issues and, to some extent, their authors' attitudes toward such expression.

[3] For recent studies of women's speech and silence before different audiences, see Lardinois and McClure 2001; McClure 1999, and bibliographies.

[4] For authors' choices and options in the treatment of myths, and audience's possible expectations, see Sommerstein 2002, 16–17.

Before this claim is developed, two possible reservations may be rebutted. One is that since tragedy as a genre does not refer directly to daily life or current affairs, but draws on traditional myths, which can be modified only within limits (cf. Aristotle, *Poetics* 1451a36–b26), these tragedies are unlikely to deal with *parrhêsia*, whether women's or men's. Research has shown, however, that, for all their being set in the mythological past, Greek tragedies often reflect contemporary practices and concerns, including political matters.[5] As Griffith points out, 'Attic tragedy is an art form that, within and beneath its mythological and grandiose trappings, its bizarre stories of gods and Bronze-Age royal families, is designed to appeal to a mass citizen audience, and to explore some of their fundamental concerns'.[6] The plays discussed in this paper were first produced only about three to eight decades after the fall of the tyranny toward the end of the sixth century BCE, at a time when Athenians were still highly sensitive to any possible threat to their newly won freedom.[7] Four of the plays chosen here depict tyrannical rulers and reflect the abiding concern in fifth-century Athens with this particular threat to their new democracy[8]—including their hard won *parrhêsia*.

The analyses in this paper follow Patricia Easterling's contention that '[t]he historian looking for contemporary evidence of fifth-century Athenian *mentalité* might reasonably think there is something to be learned from Greek tragedy about how (if not precisely what) the playwrights and their audiences thought about the community they lived in'. As Easterling points out, the fact that the plays were designed for the benefit of the community, to be performed at public festivals before large audiences, and were presented on the community's initiative and

[5] For a summary of ancient and modern views on how tragedy reflects and is associated with politics, see Said 1998, 275–293. Monoson 1994, 174: '… although tragedy was performed for grand civic occasions, the content of the performance often subjected the Athenian political life to rigorous scrutiny'; Easterling 1997, 24: 'From Homeric poetry onwards it had been well understood by audiences that the heroes could serve as paradigms for *anyone* to identify with'. For the political function of tragedy and its impact on the audience, see Collard 2002, xvii–xx. For the ability of the Athenian audience to see in the tragic performances reflection of their own practices, see Griffith 1995.

[6] Griffith 1995, 62, cf. 63, 108–111, 114–117.

[7] See Connor 1989 for the possibility that the civic festival of which the tragic performance was an integral part was established only after the fall of the tyranny in c. 504 BCE, and that the festival may perhaps have been a celebration of political freedom.

[8] For tragedy and the '*dêmokratia*/*turannis* antithesis' see Loraux 1986, 215–217.

behalf, with state funding and citizen performers means that it 'makes sense … to look to the plays for some kind of refraction of the society that provided the context of production; but it is much harder to get further and attempt to read the signs in detail'.[9]

The second reservation concerns the exclusion of women from political discourse, which raises the question of whether the concept of *parrhêsia* can be applied to women and whether it would have the same meaning as it does with regard to men. I believe that the answer to both these questions is yes. *Parrhêsia* referred to the content of expression, not its locus. The fact that women could not speak before Athens' governing and judicial bodies means that they would not have had much opportunity to express themselves in public forums; it does not mean that they were barred from expressing their opinions or feelings (the two are not always clearly distinguished in the plays) altogether. Free women in Athens were permitted two venues of expression. One was in connection with their ritual and religious observances, the only venue in which women were allowed to sound their voices in public. The other was within the *oikos*, that is, to their relatives, and other members of their household. Although women were expected to defer to the men of the household, denying a free Athenian woman the right of criticism, *parrhêsia*, Henderson points out, 'could be portrayed as both unreasonable and undemocratic'.[10] All three playwrights discussed in this paper have their heroines express criticisms in either or both of these venues: in connection with the performance of ritual rites and/or to their *philoi*. With the exception of the *Septem*, which deals directly with the issue of freedom of speech itself, the plays assume the heroine's right to speak in these forums, insofar as no one ever challenges this right; instead all characters focus on the meaning and value of women's open and defiant criticism of the ruler or rulers of the state.

We may now turn to the plays. The attitude toward women's *parrhêsia* varies from one play to another, in keeping with the playwright's understanding of the circumstances under which it is exercised as well as with his view of women. The plays that show the most favorable presentation of women's *parrhêsia* are the two plays about the House of Labdacus.

[9] See Easterling 1997, 21.
[10] Henderson 1998, 257 and note 20, where he lists the testimonia.

2. Seven against Thebes

In *Seven Against Thebes*, the free-speaking women are the Chorus of Virgins, who are in the public eye performing the religious function of propitiating the gods. Dramatically, they function to relay the meaning of the action that occurs offstage and to imbue the audience with the terror that these acts evoke. The play opens with a lengthy confrontation between the Chorus and the despotic but weak Eteocles over the Chorus's performance of their religious function. As the Chorus relate the steady approach of the forces attacking Thebes and voice their fears in both words and panic-stricken shrieking, Eteocles repeatedly tries to silence them, on the grounds that their frank expression frightens and demoralizes the population and thus undermines its ability to defend the city. Reducing their articulation of the perils facing the city to hysterical 'shouting' (αὔειν) and 'howling' (λακάζειν), he demands to know whether this is 'the best' way to promote 'the city's safety' and 'enheartening the beleaguered army' (181–186). The answer, to his mind, is presumably in the negative.[11] A few lines later, he goes on to accuse them of 'having roared' (διερροθήσατ᾽) the citizenry into 'spiritless cowardice' (ἄψυχον κάκην, 191–192). The confrontation thus involves the question of the proper boundaries of frank speech embodied in a religious function at a time of national peril.

Although this question is never resolved, as no one bothers to contest Eteocles' contentions, the play lends greater support to the claims of women's frank speech than to Eteocles' argument for curtailment. For one thing, the play makes it clear that the Chorus are expressing not only their own fears but those of the entire population. Tellingly, if somewhat ironically, the note of fear is first sounded by Eteocles himself, in the opening speech of the play. His description of the populace looking to him for succor, his warnings of disaster should the Thebans be vanquished, and his repeated calls upon the young men of Thebes to show their courage and help the national effort in the face of the impending attack, combine to convey the strong sense of fear pervading the city. The Chorus, as vulnerable young women, may give frank expression to their fear because they are not bound by the expectations of martial courage that apply to men.

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[11] Hutchinson 1985 on l.186 points out that by λακάζειν, Eteocles must be inserting the idea of hysterics into their uttering. For the effective use of sounds by the chorus in order to share their terror with the audience, see Conacher 1996, 44–45.

The fact that the Chorus express the fears of the collective gives their expression a certain legitimacy, but in and of itself does not constitute a sufficient argument for frank speech by women. The effective argument comes from the play's contrast between Eteocles, presented as an arrogant, misogynistic, and impotent tyrant who brings disaster upon himself and the city, and the Chorus, who are proven to possess the clarity of vision and the emotion-based wisdom that might have saved the city had Eteocles been willing to listen to them. The measure of his despotism comes out when he proclaims that whoever refuses obedience to his authority will be sentenced to death (197–200, 224–225).

Eteocles' hubristic but impotent despotism is also epitomized in his attempt to usurp the women's role in ritual public prayer, which in Athens was largely the women's domain. After variously instructing the Chorus to be quiet and ordering them to go home out of the public eye, all to no avail, Eteocles declares that in a moment of danger, honoring the gods is a man's job (230–232), not a woman's—a claim at which the audience would almost certainly have bristled. Public prayer, even during war, was a specifically feminine function in Athens, and the audience would surely have recalled the scene in book 6 of the *Iliad*, in which Hector bade his mother gather the women and pray to Athena for the salvation of Troy.[12]

When the Chorus of Virgins does not budge, Eteocles proceeds to instruct them on how to go about their prayer. Instead of wailing and clinging to the gods' statues, as they have been doing, he tells them, they should offer a more restrained prayer, the *ololugê* (268),[13] which propitiates rather than begs the gods, and Eteocles goes on to dictate it to them. After having defied Eteocles up to this point, the Chorus finally agree to do as he says, although they do not follow through completely on their promise. The text makes no mention of the propitiatory *ololugê*. They continue to pray as they did before, although without wailing (279).[14]

In the course of their confrontation, Eteocles attacks the Chorus not as political opponents, which in a way they are, but as women. He calls all women insufferable creatures hated by all temperate men

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[12] For a brief discussion of the two scenes, see Foley 2001, 46–48.

[13] McClure 1999, 52–55, maintains that this is a female utterance corresponding to the male *paean*.

[14] For the Chorus's reluctance to obey Eteocles' directives, see Benardete 1967, 22–30.

(181, 187–188). He reduces the Chorus's frank expression of their fear to what the ancient Greeks regarded as typically feminine behavior: intemperate, lacking in self-control, and timid (190, 194–195, 256, 281). These commonplaces of ancient Greek thought, however, lose their validity in the mouth of an overbearing tyrant, as Eteocles has been shown to be. Moreover, the play suggests that it is precisely through their feminine expressiveness that the Chorus stand up to Eteocles' despotism. For in his unsuccessful struggle to silence them, Eteocles emerges as tense, foolish, and unnerved.[15]

The latter parts of the play lend further support to the notion of women's *parrhêsia* by linking the Chorus's female expressiveness to its wisdom. After Eteocles has appointed the Theban warriors to fight each of the attackers and named himself to confront his brother Polyneices, it is the Chorus who understand the dire implications of his act.[16] They warn him of the threat of pollution and of the fall of the House of Labdacus should he kill his brother in combat, advise him to nominate another warrior to face Polyneices, and caution him to act temperately and to quell his passion for war (677–719). These warnings show the Chorus to be wiser, more pragmatic, and more temperate than Eteocles, as well as more respectful of the taboos laid down by society and religion. The play links the fear and apprehension that had led the Chorus to their earlier panicked lamentations with their apprehension of the consequences of Eteocles fighting his brother.

In short, the *Seven Against Thebes* supports women's frank speech on a public matter by showing the Chorus of Virgins to be less arrogant and less destructive than men; to have greater wisdom, temperance, and understanding than the despotic ruler who is the only man in this play, other than the messenger; and to offer a more viable alternative to the bravado, impetuousness, and denial of fear that led Eteocles to fight his brother with such catastrophic results. In the end, it is not the Chorus's frank expression of fear that leads to disaster, as Eteocles had predicted, but his own arrogant denial of his fear and his headlong, unthinking rush into combat with his own brother.

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15 Cf. Griffith 1995, 64, who maintains that in this play Thebes is portrayed as 'a city where the ruling family has run amok for generations'.

16 For Eteocles' appointment of the defenders and his resolution to face his brother, see Roisman 1990.

3. Antigone

Sophocles' *Antigone* shows similarly strong support for women's *parrhêsia*. This support occurs within the play's treatment of the theme of place. This theme runs throughout the *Antigone*, in which the rules of place are repeatedly violated. Towards the end of the play, in lines 1068–1071, Teiresias issues the obvious pronouncement that the dead belong underground and the living above ground;[17] somewhat earlier Creon's son Haemon made the equally obvious point that the rule of man must be subordinate to the rule of the gods (744–745). Creon, the new despot who assumed the throne of Thebes after Eteocles and Polyneices had killed each other in combat, grossly violates all these rules of place: he prohibits the burial of Polyneices, inters the living Antigone in a cave, and declares that unjust laws must be obeyed along with just ones (666–667). The play presents these as hubristic and impious behaviors which violate divine law and lead to the devastation of the social fabric, as all the kinship ties in the society—between sisters, sister and brother, father and son, man and wife-to-be, and husband and wife—are violently sundered one after the other.

Antigone's act of rebellion in burying her brother Polyneices in violation of Creon's decree, and her repeated verbal defiance of Creon, her *parrhêsia*, are also violations of the Greek rules of place: here the many rules of place pertaining to women. The play highlights her violation of these rules. It opens with her having summoned Ismene 'outside the gates of the courtyard' (ἐκτὸς αὐλείων πυλῶν, 18), from women's proper place indoors to the town gates. Her more substantial, albeit more figurative, violation is brought home through the contrast with her sister Ismene, who represents the conventional, obedient woman who keeps her place in the Greek male hierarchy.[18] Unlike Ismene, who does not even hear Creon's decree until Antigone tells her about it, Antigone is politically aware, like a man, and knows what is going on about town. She angrily rejects Ismene's typically feminine suggestion that she bury

[17] Teiresias tells Creon that he will pay with a corpse of his own loins (*Ant.* 1068–1071): 'in return for having thrown below one of those who belong above,/ having housed disgracefully in a tomb a living soul, / and keeping here a corpse belonging to the gods below, / unportioned, without rights, unholy' (ἀνθ' ὧν ἔχεις μὲν τῶν ἄνω βαλὼν κάτω, / ψυχήν γ' ἀτίμως ἐν τάφῳ κατοίκισας, / ἔχεις δὲ τῶν κάτωθεν ἐνθάδ' αὖ θεῶν / ἄμοιρον, ἀκτέριστον, ἀνόσιον νέκυν). See also Zeitlin 1986, 124–126.

[18] For Sophocles' method of characterization by creating foils to the main protagonists, see Kirkwood 1958, *passim*.

Polyneices in secret and sets out on a course of more open defiance, in which, as we will see shortly, she not only buries her brother but verbally challenges Creon's right to forbid the burial. Ismene, for her part, calls Antigone's determination to bury Polyneices unfeminine (*Ant.* 61–62):

> We must remember that we are women,
> that we cannot fight against men.
>
> ἀλλ᾽ ἐννοεῖν χρὴ τοῦτο μὲν γυναῖχ᾽ ὅτι
> ἔφυμεν, ὡς πρὸς ἄνδρας οὐ μαχουμένα·

Creon, too, stresses Antigone's violation of the rules of place in acting more like a man than a woman. Like Eteocles, he genderizes her opposition to his rule. He warns that if Antigone is not punished for her transgression, she will reverse the natural gender roles: 'I am not a man any longer, she is the man' (484), and declares that 'No woman will rule while I live' (525). When he calls his attendants to arrest the sisters, he tells them to take them indoors and stresses that the sisters have breached a woman's place by leaving the house. 'They must be women, and not roaming loose' (578–579), he tells the attendants.[19] He warns his son, who is Antigone's fiancé and who speaks in her favor, against having his wits turned by a woman (648–649) and against giving in to a woman, 'for it is better … to be defeated by a man than said to be less than women' (679–680). He charges that his son is 'an ally of the woman' (740), says that his 'nature is base in yielding to a woman' (746), and calls him a 'woman's slave' (756).

[19] It may be noted that Eurydice, who appears on stage toward the end of the play, also observes the gender restrictions. Like Ismene, she too is unaware of events outside, and learns of her son's death only as she exits the house to pay homage to Athena (1183–1189). The good woman's self-confinement to her home is highlighted by Eurydice's finding it necessary to justify her presence outside with the explanation that she was going to present prayers to the goddess Pallas Athena (1183–1186). However, for the view that we should not go overboard in consigning women to the home only, and that such confinement was more of an ideology than practice, see Cohen 1991, 41–47, 87–88.

Nonetheless, Shaw's 1975, 256 contention that 'by the very act of being in a drama, which always occurs outside the house, they [Antigone and Ismene] are doing what women should not do' strikes me as rather simplistic; for it overlooks the force of dramatic convention, which permitted female characters to be represented on stage, albeit by male actors, without being condemned for having breached their proper place. Creon's condemnation here is the exception in Greek tragedy, not the rule, and closely associated with Antigone's subversive and defiant behavior.

In all likelihood, Creon's expressions reflect an accepted view of women's place, and under ordinary circumstances would probably not have met with much question. The point of the play, however, is that there are different orders of place, and that in violating so many and such crucial rules of place himself, Creon made it necessary for Antigone to assume a masculine, heroic stance in violation of the rules of place pertaining to gender in order to reinstate the rules of place pertaining to the relationship between the human and divine. As Antigone roundly rebukes Creon (450–455):

> For Zeus was not the one who proclaimed these things,
> nor was Justice, the housemate of the gods below, the one
> who drew boundaries of these laws for men,
> nor did I think your mortal proclamations
> strong enough to be able to trample the
> unwritten and unfailing ordinances of gods.
>
> οὐ γάρ τί μοι Ζεὺς ἦν ὁ κηρύξας τάδε,
> οὐδ' ἡ ξύνοικος τῶν κάτω θεῶν Δίκη
> τοιούσδ' ἐν ἀνθρώποισιν ὥρισεν νόμους,
> οὐδὲ σθένειν τοσοῦτον ᾠόμην τὰ σὰ
> κηρύγμαθ' ὥστ' ἄγραπτα κἀσφαλῆ θεῶν
> νόμιμα δύνασθαι θνητά γ' ὄνθ' ὑπερδραμεῖν.

While Antigone's defiant deed and words give her a masculine character, inappropriate to her gender, her being female greatly contributes to her ability to defy Creon's tyranny. Like the Chorus of Virgins in Aeschylus' *Septem*, Antigone is young and vulnerable and gains her unexpected strength from women's ritual functions. It is this function that she carries out in burying her brother, and this function both constitutes and supports her defiance. It gives her both the power and the authority to declaim against Creon's desecration of the gods' ordinances (454–455) and to declare her right and obligation to uphold these ordinances as higher than Creon's right to rule (450–470). Also, as in the *Septem*, Creon's attempt to curb woman's ritual role shows his lack of proper judgment and his impiety and results in the catastrophes with which the play ends.

Two points should be made about Antigone's frank expression. First of all, it is normative expression. That is, just as Aeschylus' Chorus of Virgins express the fear of the entire population, Antigone expresses the revulsion that all feel at Creon's edict. As Creon's son Haemon tells his father, the entire citizen body believes that Antigone did the right thing in burying her brother and that Creon was doing the wrong thing

in punishing her (*Ant.* 690–694). That is, woman's frank expression in deed and in words is held up for admiration not as self-expression, but only when it gives voice to what most people believe but cannot bring themselves to say for fear of the tyrannical ruler.[20]

Second, in openly defying Creon in word and deed, Antigone not only exceeds the bounds of female behavior; she also shows a resolution and courage that none of the male characters shows in equal measure. The Chorus of Elderly Men is evasive till almost the very end of the play. While they carefully avoid expressing support for Creon's edict, they are equally careful to agree that as the ruler of the state, he can decree whatever he wishes (211–214, 278–279). Haemon makes his opinion of his father's sentencing his fiancée to death known within a shorter space of time. However, he goes about it rather indirectly. Before stating his opposition in so many words, he first praises his father's sound judgment; next he tells him that rumor has it that the citizens of Thebes admire Antigone's courage and her love for her brother, and consider it wrong for him to punish her (636–638, 683–695); and then counsels flexibility, supporting his advice with the images of the ability of trees that bend and slackened sails to withstand wintry weather and storms (712–718). By the time Haemon finally tells him to his face that he is a dictator, that his decisions are erroneous and unjust, and that he is trampling on the honor of the gods, their argument has acquired the tone of a teenage son's fight with his father. Haemon's attempted patricide and subsequent suicide at the end of the play are less political acts defying Creon's tyrannical rule than acts of impotent rage and grief at Antigone's death. Antigone's open and direct rebukes of Creon for his violation of divine law contrast positively with both the Chorus's acceptance of Creon's tyranny and Haemon's hesitant opposition.

In short, like Aeschylus' *Seven Against Thebes*, Sophocles' *Antigone* upholds women's *parrhêsia* as a legitimate and necessary weapon against despotism. In both plays, a key indication of the ruler's despotism is

[20] Ober and Strauss 1990, 263 go so far as to claim that Creon transgressed 'not only in his deeds, but in his *logoi*, and in his attempt to control the *logoi* of others'. As far as I can discern, the play does not show Creon trying to control the speech of others or offending 'the democratic principles of his audience' by refusing to allow anyone else the right of public speech, as these authors contend. Nonetheless, their reading does support the place that I am claiming for free speech in this play and the idea that the play can teach us about the concern with and attitudes toward women's candid speech in classical Athens.

his effort to curb and control the heroine's liturgical function, while the heroine's expression of her *parrhêsia* within this role lends it credence and authority.[21] And in both plays the societal criticism of women's *parrhêsia* is invalidated by being placed in the mouths of impious tyrants who bring disaster on the family and polis.

4. Agamemnon

The view of women's *parrhêsia* that emerges from the three plays of the House of Atreus is more ambiguous and complex. We may start with Aeschylus' *Agamemnon*. The vehicle of women's *parrhêsia* in this play is the prophetess Cassandra. Two aspects of Cassandra's mythical character may raise questions about whether her speech can be seen as an example of *parrhêsia*. One is that as a foreigner and a slave, she would not be entitled to the same rights—including the right to speak her mind openly within the restricted forums open to women—as a free woman of the community. The other is that as Apollo's prophetess, her speech is divinely inspired and not the expression of an individual's opinions, as *parrhêsia* was taken to be. Both these aspects might be relevant to a political or philosophic discourse; they are much less relevant to a play, especially where the play does not draw attention to their relevance, as the *Agamemnon* does not. Tellingly, no one in the play brings up either Cassandra's socio-political status or her prophetic gifts as grounds either for denying her the right to speak or for not believing her when she does. Thus, these features of her mythological character do not strike me as adequate bars to seeing Cassandra's speech as an instance of woman's open and free expression of opinion on a public matter, and examining the *Agamemnon* for Aeschylus' and/or his audience's views of this.

Cassandra resembles the Chorus of Virgins in the *Septem*. Lamenting the impending fall of the House of Atreus and the crimes that preceded it, Cassandra, like the Chorus of Virgins, uses woman's domain in ritual lamentation to inform her audience of the actions that take place off-stage, to convey the emotions attendant on them, and to give them the

[21] Although, unlike the Chorus in *Seven Against Thebes*, Antigone does not voice her opposition to the ruler's dictates within the act of prayer itself, the fact that the play shows her opposition to have arisen from the divinely ordained responsibility to bury the dead places it within the ritual context and women's ritualistic role.

correct interpretation. She predicts the double murder of Agamemnon and herself, projects its horror, and conveys the understanding that it is the inevitable outcome of Agamemnon's sacrifice of his daughter Iphigeneia and of his father Atreus' horrendous act of murdering Aegisthus' brothers and feeding them to Aegisthus' father, Thyestes.

But Cassandra also differs from the female opponents of tyranny in the plays dealing with the House of Labdacus. Cassandra is a secondary figure, with relatively few lines. She first comes on stage only in line 782, is first mentioned only in line 950, does not speak until line 1072, and leaves the stage at line 1330, when she enters the house to be murdered. Nor is she the only strong woman on stage, as both the Chorus of Virgins and Antigone are in their respective plays. Rather she serves as a foil to Clytaemnestra, whose deceptive declarations of love for Agamemnon occupy most of the space of the play before Cassandra opens her mouth to speak the truth. The *Agamemnon* thus depicts two very outspoken women, and women as the bearers both of deception and of truth.

More importantly, Cassandra lacks the purity and innocence of Antigone and the Chorus of Virgins. She is introduced in the play as the slave and concubine whom Agamemnon brings home from the war in Troy—and, adding insult to injury, has the nerve to ask his wife to treat kindly. Thus, Cassandra becomes part of the 'crimes' whose consequences the play dramatizes.

Aeschylus emphasizes that the murder of Agamemnon is the direct consequence of his sacrifice of Iphigeneia and of his father's horrendous murder of Aegisthus' siblings. These events are an inherent part of the myth, but not every writer emphasizes them. Homer, as well as Sophocles and Euripides, give greater weight to Clytaemnestra's treachery. Aeschylus repeats these stories several times in the play. It is not only that he has the unrepentant Clytaemnestra and Aegisthus tell their respective tales, both of them with considerable emotional force and conviction. He also has the Chorus (184–247) and, more importantly, Cassandra (1090–1092, 1096–1097, 1190–1193, 1219–1222) refer to them as well. Although Aeschylus duly has both Cassandra and the Chorus condemn Clytaemnestra's murder of her husband as a most heinous violation of the marital bond and Aegisthus as a cruel usurper and tyrant (and shows him to be one, too), he also gives considerable place and understanding to the reasons that propelled them to do what they did. Do these reasons make the murders less reprehensible? The play does not take a clear stand, but leaves the audience with a strong

impression of moral ambiguity and of the impossibility of making one-sided moral pronouncements.

Cassandra is at the center of the moral ambiguity that the play explores. To be sure, her role as Agamemnon's slave and concubine was thrust upon her and never freely chosen. However, one can see how it would outrage a wife already driven to distraction by her husband's murder of their child, and all the more since Cassandra came into Agamemnon's possession as a direct result of the war in Troy that Iphigeneia's sacrifice had enabled him to pursue. Moreover, while Cassandra is a seer and teller of truths, she is also of dubious honesty. As she relates in lines 1206–1208, she had deceived Apollo: telling him that she would bear his children, she then went back on her word.

Morally tainted, Cassandra does not use her *parrhêsia* to oppose tyranny, as do the Chorus of Virgins and Antigone.[22] Shortly after Agamemnon goes indoors at his wife's bidding, Clytaemnestra reemerges on stage to order Cassandra to get out of the carriage and go into the house. Cassandra refuses repeated commands, remaining silent and immobile. Her passive resistance resembles the resistance of the Chorus of Virgins to Eteocles' commands that they keep quiet. However, in the context of the play, her refusal comes across less as an act of defiance of tyranny than as an additional affront to the already ill-used Clytaemnestra. More importantly, in her account of the impending murders, Cassandra stresses not only the culpability of the ruling couple but also the inevitability of the murders, given the crimes that had been committed. The function of Cassandra's *parrhêsia* becomes telling the audience the truth for its own benefit.

The moral voice in the play is left to the Chorus of Elderly Men. It is they who bring the morality of the ordinary citizen to bear in their blanket condemnation of the murders. It is also they who openly defy Aegisthus when he comes onstage at the end of the play and call him a usurper and tyrant. That is, in this play men retain the moral and political role that had been given to women in the *Septem* and in *Antigone*. Like the Chorus of Virgins in the *Septem*, Cassandra is presented as the possessor of emotional wisdom and as one who sees and speaks the truth. But her vision is opposed not to that of the tyrant,

[22] For the need of integrity and honesty on the part of the speaker to make the candidly expressed truth have its effect, see Monoson 1994, 175.

but to that of ordinary people who (a) do not wish to hear her, as the Chorus say in lines 1098–1099, and (b) whose moral understanding is not as deep as hers.

The play presents Cassandra as a noble but flawed figure, and her utterance of truth as a gift having limited value.[23] Her truth-telling, her *parrhêsia*, is presented as noble, but also as fruitless.[24] It is noble because Cassandra speaks out even when others prefer not to hear her and, more importantly, because it is associated with her fearless acceptance of her own death. It is fruitless because no one believes her (as she tells the Chorus in line 1212), and also because it has no power to avert the tragedy.

Yet the play attributes the futility of her *parrhêsia* not to any flaw in Cassandra herself but to those who refuse to listen to her. While the play does not invite us to contemplate how the events might have played themselves out had the Elderly Men believed and acted on her warnings—indeed, Agamemnon's murder is presented as destined—the very fact that Cassandra's prophecy proves correct stands as an indictment of the Chorus, for refusing to heed her.

5. *Sophocles'* Electra

Sophocles' *Electra* suggests more ambiguity about women's *parrhêsia* than his *Antigone*. Electra, like Antigone, is depicted as a frank-speaking woman who uses the woman's right to lament to express her opposition to a tyrannical ruler, here her mother and her mother's husband, Aegisthus. She appears on stage publicly lamenting her father's murder, bewailing her mistreatment by her mother and Aegisthus, and roundly condemning the royal couple for murdering Agamemnon and for what she presents as their indecent life together. The text makes it plain that she had been lamenting thus for the last decade or so. Like Antigone, she refuses to be confined to a woman's place. Even though Aegisthus

[23] McClure 1999, 96, suggests that it may be that 'Cassandra's initial silence more than anything else signifies her conformity to conventional female behavior'. If this is so, then her breaking out into lament and prophecy certainly mark her utterance as free expression, contrary to what was expected of her as a woman and captive.

[24] For the link between *parrhêsia* and telling the truth see Monoson 1994, 174–176.

had forbidden her to leave the palace, she appears outside the palace gates, where she attracts the attention of the women of the city, who serve as the Chorus.

Also as in the *Antigone*, the heroine's courage and outspokenness are highlighted in contrast with the attitudes of her sister and of the play's prominent male. Similarly to Ismene, Electra's sister Chrysothemis represents the prudent and conforming female who refuses to oppose the ruling authority and, moreover, points out that her sister's plan to avenge her father's murder by killing Aegisthus is inappropriate to her gender (S. *El.* 997–998):

> Don't you see? You are a woman not a man by nature,
> you are less strong in your hand than your enemies.
>
> οὐκ εἰσορᾷς; γυνὴ μὲν οὐδ᾽ ἀνὴρ ἔφυς,
> σθένεις δ᾽ἔλασσον τῶν ἐναντίων χερί.

Orestes, the play's prominent male, is, like Haemon, cautious and circumspect. Though he takes vengeance, he avoids Electra's railing and overt opposition to the royal couple and, instead, in keeping with Apollo's instructions, proceeds furtively (37), lulling his victims with the false rumor that he has died (48). In contrast to both these figures, Electra comes across as noble and heroic. After she has vehemently rejected Chrysothemis' counsel of prudence and declared her determination to avenge her father's murder, even at the cost of her own death, the Chorus commends her quite lavishly (S. *El.* 1081–1089):

> Who of such noble fathers could sprout thus?
> No one of nobility wishes to shame his fair
> name living his life badly as a nobody.
> Thus you have chosen a
> glorious life all tearful.
> Having armed a noble remedy,
> to bring two things into one word,
> to be called both a wise and noble daughter.
>
> τίς ἂν εὔπατρις ὧδε βλάστοι;
> οὐδεὶς τῶν ἀγαθῶν ⟨ἂν⟩
> ζῶν κακῶς εὔκλειαν αἰσχῦναι θέλει
> νώνυμος, ὦ παῖ παῖ·
> ὡς καὶ σὺ πάγκλαυτον αἰ-
> ῶνα κλεινὸν εἵλου,
> ἄκος καλὸν καθοπλίσα-
> σα δύο φέρειν ⟨ἐν⟩ ἑνὶ λόγῳ,
> σοφά τ᾽ ἀρίστα τε παῖς κεκλῆσθαι.

As the Chorus present it, her nobility is anchored in the implacability of her opposition: in her refusal to bow to edict or necessity and in her readiness to pay the price for her opposition.

Yet the play also questions her behavior. The sense of her nobility depends on a certain moral simplification. Electra refuses to accept Clytaemnestra's explanation that she had murdered Agamemnon in retribution for his sacrifice of their daughter Iphigeneia. Electra argues that Agamemnon had been forced to make the sacrifice by the goddess Artemis and that Clytaemnestra's real motive was her illicit passion for Aegisthus, whom she was all too quick to marry. In addition, she states that even if Clytaemnestra really had been moved by the desire for retribution, this is an unacceptable motive that will only lead to greater evil, including Clytaemnestra's own death (581–583).

Electra's moral stance is not as convincing as Antigone's or as appealing, however. The Chorus point out that her 'constant bemoaning' is self-destructive and provides 'no deliverance from evil' (140, 142). They also remind her that she is not the only one who has suffered as a result of the situation: 'Not alone to you of mortals has burden of grief been manifested' (153–154), they tell her. Her decade-long lamentation thus comes across as excessive and egocentric. Nor is it as clearly normative as Antigone's determination to bury her brother and to condemn Creon for his edict, and it actually effects no change in anything, since the act of retribution is left to Orestes. Moreover, Electra's refusal even to contemplate what her mother might have felt at Iphigeneia's sacrifice suggests a certain narrow-mindedness and emotional blindness, as does her total lack of grief for Iphigeneia, who was, after all, her sister. In addition, for all her criticism of her mother's retribution, she herself embarks on a scheme of revenge not only against Aegisthus, but also against her mother.

With the revenge completed, the Chorus declare that 'freedom' has finally been attained (1508–1510). But this freedom was won by Orestes' circumspection, not by Electra's unbridled recriminations. Woman's unrestrained frank speech, of the sort practiced by Electra, does not emerge as an unequivocal good.

6. *Euripides'* Electra

Of the five plays considered here, Euripides' *Electra* conveys the greatest reservation about women's *parrhêsia*. This, I believe, is because it does not have the political dimension that the other four plays have. That is, it is the only play of the five discussed here in which the heroine does not oppose a ruler presented as a tyrant who would deprive her—and others—of the free speech that was the hallmark of Athenian democracy. Clytaemnestra is here depicted largely as a treacherous and unfaithful wife and rejecting mother who allowed her second husband to abuse her children and joined him in sending them away. Her role as Queen is mentioned, but it is not at issue. Aegisthus, for his part, is not the tyrant of the other two plays in which he figures. He is not shown threatening the citizens with dire punishment should they dare to question his rule, as is the ruler in Aeschylus' play on the House of Atreus. Nor is he shown threatening Electra, as in Sophocles' play, where he threatens to inter her in a cave if she continues her endless railing, and as Creon had done to Antigone. The worst that Euripides' Aegisthus does is marry Electra off to a social inferior, who is nonetheless a most honorable man. The Messenger's account of how Orestes murdered him depicts Aegisthus as an amiable man who invites Orestes to join him in making sacrifice to the Nymphs, not knowing that he is entertaining his murderer-to-be, and who expresses his fear when he realizes that he is about to be killed.

In this context, Electra's frank speech is not a political issue or an expression of opposition to political tyranny. Indeed, no one tries to stop her from speaking her mind. Early on in the play, her husband remarks that it is improper for a woman to be gossiping outdoors with strange men; but that issue is cleared up as soon as she tells him that the strangers have news of Orestes (341–347). Later on, Clytaemnestra actually invites her to speak frankly (E. *El.* 1049–1050):

> Now say what you want, and rebut me **in frank speech**,
> how your father did not die justly.
>
> λέγ' εἴ τι χρῄζεις κἀντίθες **παρρησίᾳ,**
> ὅπως τέθνηκε σὸς πατὴρ οὐκ ἐνδίκως.

Electra, for her part, acknowledges the 'license' that her mother has given her 'to speak out frankly against you' (1056). This situation is the reverse of that in Sophocles' *Electra*, in which Electra asks her mother's permission to 'speak truthfully about both the dead one and my sister'

(S. *El.* 554–555) and is grudgingly granted it with the implied caveat that she speak courteously (556–557).

Nor is Euripides' Electra a rebel against the gender rules of her society, as were the other outspoken heroines (with the exception of Cassandra). She takes upon herself the domestic work of a farmer's wife, though her husband does not demand it. She acknowledges the gender division of place, telling her husband that his work is outdoors, hers indoors (73–76). She turns down the opportunity to go to Argos and participate in the festival of Hera, although such festivals were one of the few occasions for respectable women to go beyond the confines of their homes. And she goes so far as to declare that men should have the upper hand at home and in the state (E. *El.* 931–933):

> The man is his wife's and not the wife her man's.
> It is shameful, however, when a woman has charge of the house and not the man.
>
> ὁ τῆς γυναικός, οὐχὶ τἀνδρὸς ἡ γυνή.
> καίτοι τόδ' αἰσχρόν, προστατεῖν γε δωμάτων
> γυναῖκα, μὴ τὸν ἄνδρα·

Electra's *parrhêsia* has no political motive. Serving only her own needs and no important public or civic function, it lacks the justification for women's frank expression in the other plays. If we accept Zeitlin's claim that a woman who speaks on the tragic stage on her own behalf transgresses the social rules, her *parrhêsia* can be seen as socially disruptive.[25] Nor, given the liberality of Clytaemnestra in this play, does it require or demonstrate the courage that marked the frank speech of the heroines in the other plays.

At the same time, even though she is portrayed as a conventional woman who does not rebel against the strictures of her gender, Euripides' Electra is far more terrible than her Sophoclean namesake. Sophocles' Electra is depicted as somewhat childish, and her excesses the result of her getting carried away with herself. This is brought home when the Paedagogus reprimands her and her brother for speaking so loudly outside the palace doors that they will give away the plot they are hatching and spoil it all (1326–1338).[26]

Euripides' Electra is depicted as bloody-minded. Sophocles' Electra supports Orestes' act of vengeance, prays for its success, and, when she

[25] Zeitlin 1990, 85.
[26] For detailed discussion of the scene, see Roisman 2000, 182–199.

hears her mother screaming, urges Orestes to strike her yet again (S. *El.* 1415). She is also the one who tricks Aegisthus into entering the house where his murderers await him. But she was not the one who first brought up the subject of the double murder; the Paedagogus and Orestes did. Euripides' Electra, in contrast, actively plots bringing her mother to her home and murdering her by herself. The only reason that Electra does not carry out the plot is that Orestes prevents her.

Euripides further emphasizes Electra's ruthlessness and bent toward violence by contrasting her behavior with both that of her mother and Orestes. While Euripides has Electra lure her mother to her home with a lie, that she has given birth to a baby boy (651–652), exploiting Clytaemnestra's maternal feelings,[27] he shows Clytaemnestra responding to the summons with good intentions and, in the conversation that follows her arrival, displaying sympathy with and understanding of her daughter's feelings and a certain remorse for her liaison with Aegisthus (998–1146). More damningly, he contrasts Electra's single-minded enthusiasm for killing her mother with Orestes' ambivalence (E. *El.* 967–978):

> Or. What then should we do? Shall we murder our mother?
> El. Has pity seized you as you saw our mother's form?
> Or. Alas!
> How can I kill her who nursed me and gave me birth?
> El. As she killed your father and mine … .
> Or. Now I will flee as a matricide, although before I was pure.
> El. But you will be impious if you do not defend your father.
> Or. I know, but will I not pay the price for my mother's murder?
> El. But what if you renege on avenging your father?

> Ορ. τί δῆτα δρῶμεν; μητέρ᾽ ἦ φονεύσομεν;
> Ηλ. μῶν σ᾽ οἶκτος εἷλε, μητρὸς ὡς εἶδες δέμας;
> Ορ. φεῦ·
> πῶς γὰρ κτάνω νιν, ἥ μ᾽ ἔθρεψε κἄτεκεν;
> Ηλ. ὥσπερ πατέρα σὸν ἥδε κἀμὸν ὤλεσεν
> …
> Ορ. μητροκτόνος νῦν φεύξομαι, τόθ᾽ ἁγνὸς ὤν.
> Ηλ. καὶ μή γ᾽ ἀμύνων πατρὶ δυσσεβὴς ἔσῃ.
> Ορ. ἐγᾦιδα· μητρὸς δ᾽ οὐ φόνου δώσω δίκας;
> Ηλ. Τί δ᾽ ἢ πατρῴαν διαμεθῇς τιμωρίαν;

In contrast to Orestes' ambivalence, Electra's unambivalent readiness to murder her mother is chilling.

[27] See also Cropp 1988 on ll. 652–658.

Euripides thus presents Electra's *parrhêsia* as the expression of a bloody-minded and ruthless woman who takes part in a double murder out of personal, not political, motives. In addition, by depicting Electra not as a rebel, but as a woman who observes and supports the restrictions imposed on her gender, he suggests that such ferocity might be typical of ordinary women. By portraying bloodthirstiness as a quality of a typical female and by divesting Electra's *parrhêsia* of political justification and associating it with her vindictiveness, Euripides presents women's *parrhêsia* as selfish and as potentially dangerous to the public weal.

Finally, Euripides' Electra is the only one of the five frankly speaking heroines who does not exercise her *parrhêsia* in the context of performing women's religious duties. This omission emphasizes the private and selfish nature of her *parrhêsia* and further discredits it.

7. *Conclusion*

In her book, *Spoken Like A Woman: Speech and Gender in Athenian Drama*, McClure maintains that despite the fact that some plays show women as speaking 'positively and authoritatively on behalf of the city or family, Attic drama most commonly depicts women's speech, even when it takes a ritual form, as disruptive and subversive of social stability'.[28] The above analyses of the treatment of the free-speaking heroines of the plays of the House of Labdacus and the House of Atreus suggest a more complex picture.

The five tragedies discussed in this paper show different attitudes toward women's *parrhêsia*. It is most approved where it serves as a vehicle of opposition to tyranny. In the plays in which this is the case, Aeschylus' *Septem* and Sophocles' *Antigone*, the free-speaking heroines (we can refer to the Chorus of Virgins as the heroine of the *Septem*) are presented as wiser than the men and as stauncher opponents of tyranny. Their free speech is exercised to affirm the supremacy of the fulfillment of family and religious duties over obedience to arbitrary authority, and is identified with the values of Athenian democracy. In contrast, the conventional view that women belong indoors, where whatever they say cannot be heard outside, is supported only by the tyrant himself

[28] McClure 1999, 6; cf. 56.

(Eteocles) or by the heroine's sister and foil, whose conventional wisdom serves the tyrant's interests rather than those of the family, community, and gods.

The treatment of women's *parrhêsia*, as of women's role in general, is more ambiguous in the three plays that deal with the House of Atreus, where tyranny is not a central issue. Of the three plays here, the value of women's candid expression comes across most positively in Aeschylus' *Agamemnon*. In this play, women's free speech, as embodied in Cassandra's prophecies, is shown to be at once worthy and futile. However, its futility is blamed on the Chorus of Elderly Men, who do not listen to Cassandra and who, for all their moralizing, are shown to be weak and ineffectual, rather than on Cassandra herself, whatever the shortcomings of her character and the ambiguities of her position.[29]

The most negative representation of women's outspokenness is found in the two *Electras*. In Sophocles' *Electra*, it is associated with the heroine's excessive emotionality and moral insensitivity. In Euripides' *Electra*, it is associated with her ruthlessness and bloody-mindedness as well. One wonders whether Euripides would not have happily consigned women to silence in public.[30] What is clear though, is that even though women's *parrhêsia* may be commended when it is directed to a public cause and when it expresses the public consensus, it is clearly frowned upon as a vehicle of personal expression.

The varied and nuanced treatment of women's *parrhêsia* in these plays suggests that it would be an oversimplification to assume a monolithic view of women's free speech and, indeed, of women's role in classical Athens. It supports Griffith's contention that the function of Attic tragedy was, in some sense, 'to explore social conflicts, transgressions, and ambiguities, including those of Athenian identity itself'.[31] If the conventional view was, indeed, that women's speech is disruptive and subversive of the social order, then these plays suggest that it was not viewed as such under all circumstances and that other views were also entertained.

With this, the question arises of how the positive views of women's *parrhêsia* that are evident in Aeschylus' *Septem* and Sophocles' *Antigone* would translate to fifth-century Athens. That is, would the approval

[29] For contrast between Cassandra's 'feminine' speech and Clytaemnestra's 'masculine' utterances, see McClure 1999, 92–97.

[30] For Euripides' possible misogyny, see Sommerstein 2002, 56–57.

[31] Griffith 1995, 110, cf. 62–63, 109.

of women's criticism of the tyrannical rulers of these plays extend to women's critical speech in democratic Athens as well? The answer is not clear. On the one hand, both plays present their heroines as stepping out of their accepted feminine role, as do all the plays discussed in this paper. With all the commendation of their free speech, these plays also suggest that one of the outcomes of tyranny is to wrongly elevate women above men. The men in these plays play secondary roles to the women, and are presented as less firm in confronting the rulers' tyranny and perhaps less able as well. This may not be so much a criticism of men as a criticism of tyranny, which is shown to lead to the reversal of the natural gender hierarchy. In other words, the approval of women's *parrhêsia* in these plays may be restricted to tyrannical regimes and coupled with the acceptance of the conventional view that, when all is well in the state, women would and should stay indoors, keep their mouths shut, and leave public matters to men. Alternatively, the setting of the plays in a mythical, un-Athenian past may have enabled the playwrights and their audiences to seriously contemplate the value of women's candid expression on certain types of public issues (e.g., those that pertain to religion and the family) without risk to the prevailing social order and consensus. These alternatives need not be mutually exclusive.

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CHAPTER SIX

AISCHROLOGY, SHAME, AND COMEDY

Stephen Halliwell

1. *Introduction*

Freedom of speech can be conceptualized not only at the level of explicit legal regulation and formal political provision, but also in terms of the expectations embodied in what the Greeks came to know as 'unwritten law', νόμος ἄγραφος. Over and above questions about the technical entitlement (of individuals or groups) to speak in particular contexts, we can also investigate the social values and pressures that, in a more diffuse manner, help to determine what people feel free, or not free, to say. This paper will address one important dimension of this second class of issues in relation to Greek culture of (principally) the archaic and classical periods, namely what Greeks themselves denoted by the name of αἰσχρολογία, 'shameful speech', as well as by a cluster of closely associated terminology (including κακολογία, κακηγορία, λοιδορία, βλασφημία and their cognates). *Aischrologia* or aischrology, as I shall standardly call it (while permitting myself, in ways I hope will be transparent, to refer to it sometimes as shameful, indecent or foul speech), is a locus of educational, psychological, ethical, political and religious concern throughout the whole of Greek antiquity. It occupies a notable space within the realm of 'unwritten law', a realm whose permeation by the operations of shame is conveniently attested by the remark of the Thucydidean Pericles that unwritten laws carry with them 'agreed shame', αἰσχύνην ὁμολογουμένην (or, as one might gloss the phrase, 'a social contract of shame').[1] Some manifestations of (arguably) aischrologic behavior, though not the *aischrolog*- wordgroup itself, first appear, dramatized in emblematic fashion, in the Homeric epics: above all, in the Achilles–Agamemnon quarrel of *Iliad* 1, the Thersites episode of book 2, and the conduct of some of the suitors in the *Odyssey*.[2] The

[1] Thuc. 2.37.3.

[2] Note also the phrases αἰσχροῖς ἐπέεσσιν (Hom. *Il.* 3.38, 6.325, 13.768), ἔπεσσ' αἰσχροῖσιν (24.238), and the adverb αἰσχρῶς at *Il.* 23.473, *Od.* 18.321: while the basic force here of αἰσχρός seems to be 'insulting', it may also imply that the words used

apprehensions attaching to aischrology thereafter crop up in a range of oratorical, literary, historical, and philosophical sources. Their deep-rootedness is ultimately reflected in the new lease of life they acquire in the ethical discourse of Christianity, where Paul, and then, in a Pauline tradition, Clement of Alexandria, John Chrysostom, and others, turn a newly antigelastic gaze on aischrology and related forms of behavior, often in the process combining distinctively Christian polemics with echoes of older pagan motifs of moralizing.[3]

In the present context I limit myself to a pair of aims: first, to explore the basic psychologico-ethical dynamics of certain Greek anxieties about shameful speech, especially in relation to the vexed issue of public abuse and insult; secondly, to say something, against the background of this wider nexus of cultural values, about the idiosyncratic (and problematic) status of Old Comedy, arguably the most aischrologic of all genres. Because of my particular interest in Old Comedy, it is with classical Athenian perceptions of *aischrologia* that I want primarily to engage here, and therefore with the relationship between aischrology and explicitly democratic ideology. To anticipate one of my key concerns, it can be said that if democratic 'frank speech', *parrhêsia*, includes (some) freedom to say what is unpopular or even offensive, it necessarily generates acute problems about both the definition and the regulation of aischrologic speech, not least where *parrhêsia* intersects with the arousal of laughter. It is no accident that classical Athenian texts contain evidence of a climate of unease about the nature and desirability of *parrhêsia*.[4] Symptomatic here, though in a complex way, is the

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reflect badly on the speaker (or would *normally* be shameful for a speaker); cf. Cairns 1993, 58–59. But the attempt of Lowry 1991, 17–57 to link the description of αἴσχιστος at *Il.* 2.216 to what Thersites says is unconvincing.

[3] The *aischrolog*- wordgroup is not found before the fourth century: the earliest surviving occurrences (all cited subsequently in my argument) are Plato *Rep.* 3.395e, Xen. *Lac. Resp.* 5.6, Aristotle *Rhet.* 3.2, 1405b9, *Pol.* 7.17, 1336b4. But the root concept is clearly older: see esp. Theogn. 479–484 on utterances (by inebriated symposiasts) that would be *aischra* for the sober; cf. also the Homeric phrases in n. 2 above. The verb αἰσχροεπεῖν appears in Hippoc. *De arte* 1 (fifth century?) and Ephippus fr. 23 *PCG* (see n. 44 below). For Christian polemics against aischrology and related forms of laughter, see e.g. Paul I Corinthians 5.11, 6.10–11, Ephesians 5.3–5, Colossians 3.8, Clem. Alex. *Paid.* 2.5.45–48, 2.6.49–52, John Chrys. *In ep. ad Eph.*, 62.118–121 *PG*; for brief analysis of Christian attitudes see Adkin 1985, with Screech 1997, esp. 132–140: I discuss this material in the final chapter of my book (in progress), *Greek Laughter: a Study in Cultural Psychology*.

[4] A positive democratic value is assigned to *parrhêsia* at e.g. Eurip. *Hipp.* 422, Aeschin. 3.6, Dem. 7.1, 15.1, 60.25–26, Dinarchus 5.1, Isoc. 6.97; anxieties over its

Theophrastean slanderer (κακολόγος), who is depicted as defending his penchant for defamation by (mis)describing it (ἀποκαλῶν) as '*parrhêsia* and democracy and freedom'.[5] We shall revisit this interestingly foul-mouthed character. My own theme is not the entire ideology of *parrhêsia* as such but the risk of aischrology to which it gives rise, as well as the intricate relationship between shame and laughter that underlies this risk. In attempting to analyze some aspects of that relationship, I shall employ a spectrum of texts, moving broadly from philosophy, which scrutinizes aischrology from a moral distance, via oratory and other sources which ambivalently criticize but also toy with elements of aischrology, to Old Comedy, which revels in it.

2. *Semantics and values: the significance of aischrology*

It is not difficult to identify in general terms the semantic and evaluative field of *aischrologia*. The concept covers the use of language that causes (or could reasonably be expected to cause) individual or social offense by obtrusively breaching norms of acceptable speech, especially in one or more of the following ways: by explicit, non-technical reference to sexually sensitive topics (a form of offensiveness that at any rate overlaps with later classifications of obscenity);[6] by personal, *ad hominem* vilification; or by direct mention of religiously protected and normally 'unspeakable' subjects (ἄρρητα, ἀπόρρητα, though these terms can also embrace the two preceding categories in my list).[7] Some of this territory

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risks/abuses appear at e.g. Isoc. 7.20, 12.218, 16.22, Dem. 6.31–32, Theophr. *Char.* 28.6 (with my text below); cf. n. 37 for *parrhêsia* and shamelessness, with n. 39 for reference to the behavior of democratic *audiences*. Outside Athens, ambivalence towards *parrhêsia* can be glimpsed in Democ. fr. 226 DK, possibly the word's earliest occurrence. Cf. the stimulating treatment of *parrhêsia* in Foucault 2001 (who does not, however, cite Democritus and needs to be used with historical caution).

[5] Theophr. *Char.* 28.6.

[6] While Henderson 1991, 6 is right to say αἰσχρολογεῖν has a wider sense than obscenity, I think he is wrong to claim it also has 'a very different meaning' from obscenity: the latter, in its modern paradigm of sexually and scatologically indecent language (cf. Henderson, 2), covers ground central to aischrology; cf. n. 51 below. Reckford 1987, e.g. 22, 68, 461, and Stewart 1994, 33, readily include obscenity in *aischrologia*. On the historical development of the 'obscene' in English see Hughes 1991, 246–248; Feinberg 1985, 97–248 offers interesting observations from a jurisprudential angle.

[7] The adjectives *arrhêtos* and *aporrhêtos* (for approximate synonymity see Dem. 18. 122–123) can be applied to all three areas of aischrology listed here; cf. n. 24 below.

is charted in schematic fashion by the lexicographer Pollux. Despite his imperial date, parts of Pollux's work can still be cautiously brought to bear, for indicative purposes, on classical contexts, since his collection preserves traces of much older linguistic habits, a point pertinently illustrated for my purposes by the fact that one of the two lexical notes of immediate interest here shows the influence of a Demosthenic text. In an entry of the *Onomasticon* which catalogues the vocabulary of the flatterer (*kolax*) and his activities, Pollux includes the adjective/noun αἰσχρολόγος alongside (among others) 'the jester' (γελωτοποιός), 'the poet of foul [i.e. sexually obscene] songs' (ποιητὴς αἰσχρῶν ᾀσμάτων), 'the person who dances the kordax' (a sexually indecent dance), 'the composer of jokes' (σκωμμάτων συνθέτης), and the parasite.[8] *Aischrologia* here has the stamp of a self-consciously comic, i.e. laughter-seeking, activity, and thus something that can even be practiced 'professionally'. In a later entry from the *Onomasticon*, however, Pollux links the *aischrologia* wordgroup with the exercise of *kakologia*, *loidoria*, *blasphêmia*, etc.: here, by contrast, the dominant connotations seem to be those of socially dangerous abuse, insult, wrangling, and so forth, including the antagonisms of political invective.[9] Pollux's lexicology alerts us, albeit unwittingly, to a factor central to my own enquiry: the difference, but also the possible tension, between contexts in which aischrologic behavior may occur as a piece of what I call 'consequential' or socially embedded action (such as confrontations between enemies in public places), and, on the other hand, settings in which aischrology is at any rate partially detached from such consequentiality by perceived enclosure within a frame of recognizably comic or quasi-comic conduct (embracing 'language games' that extend all the way from individual jokes to full-scale theatrical performances).[10]

We can usefully start to sharpen our sense of the disquiet that surrounds (some kinds of) aischrology by considering an intriguing challenge to the whole concept made by a figure called Bryson in the early fourth century, as reported by Aristotle in the *Rhetoric*. The point arises in a section of *Rhetoric* 3 where Aristotle is discussing metaphors, which he thinks should be chosen partly with a view to their 'fineness',

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[8] *Onom.* 6.122: parts of this entry are influenced by Dem. 2.18–19.

[9] *Onom.* 8.80.

[10] For my distinction between consequential and non-consequential (contexts of) laughter see Halliwell 1991a: the distinction does not entail that formal comedy can never be consequential, only that its culturally recognized frames inhibit the possibilities of such consequentiality; cf. section 4 of this paper.

'beauty' or 'attractiveness' (κάλλος) and a corresponding avoidance of ugliness, foulness, or repulsiveness (αἶσχος)—the latter, at root, a quality of being shameful.[11] Having observed that beauty and ugliness in this context can be a matter of either phonology or semantics, Aristotle offers a compact refutation of what he calls the 'sophistic' argument advanced by Bryson:[12]

> There is also a third point, that refutes the sophistic argument; for it is not the case that, as Bryson said, no one actually does speak shamefully, on the supposed grounds that it signifies the same thing to use one expression rather than another. This is fallacious. One expression may be more direct than another, more akin to the referent and more apt to bring the object before the mind's eye. Furthermore, different expressions signify something in different respects, so in this way too one must classify them as finer or more shameful. Both may signify what is fine or shameful, but not *qua* fine or shameful—or they may both do so, but to a greater or lesser degree.
>
> ἔτι δὲ τρίτον ὃ λύει τὸν σοφιστικὸν λόγον· οὐ γὰρ ὥς ἔφη Βρύσων οὐθένα αἰσχρολογεῖν, εἴπερ τὸ αὐτὸ σημαίνει τόδε ἀντὶ τοῦδε εἰπεῖν· τοῦτο γὰρ ψεῦδος· ἔστιν γὰρ ἄλλο ἄλλου κυριώτερον καὶ ὡμοιωμένον μᾶλλον καὶ οἰκειότερον τῷ ποιεῖν τὸ πρᾶγμα πρὸ ὀμμάτων. ἔτι οὐχ ὁμοίως ἔχον σημαίνει τόδε καὶ τόδε, ὥστε καὶ οὕτως ἄλλου ἄλλο κάλλιον καὶ αἴσχιον θετέον· ἄμφω μὲν γὰρ τὸ καλὸν ἢ τὸ αἰσχρὸν σημαίνουσιν, ἀλλ' οὐχ ᾗ καλὸν ἢ αἰσχρόν· ἢ ταῦτα μέν, ἀλλὰ μᾶλλον καὶ ἧττον.

The premise attacked by Bryson and reaffirmed by Aristotle is that aischrology is a special kind of speech-act. If I want to refer, say, to my political opponent's sexual proclivities, I have a choice between doing so in an aischrologic or non-aischrologic manner—or, if aischrology is a sliding scale (as Aristotle clearly indicates), a choice between doing so more or less aischrologically. This premise is readily illustrated from other Greek rhetorical writings. The *Rhetorica ad Alexandrum*, for exam-

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[11] Aristotle is happy here, in typically Greek fashion, to bracket what 'we' would count separately as sensorily beautiful or ethically admirable. Cf. Theophrastus' definition of 'fine words' (καλὰ ὀνόματα), embracing qualities of sound and meaning, at Demetr. *De eloc.* 173 (with ibid. 151 for sexual innuendoes as *aischra*). Cairns 1993 argues extensively that Greek values of shame, honor, and respect were commonly conceptualized in quasi-aesthetic terms (i.e. in terms of how certain forms of behavior 'look'); cf. n. 63 below.

[12] *Rhet.* 3.2, 1405b6–16. Most scholars identify this person as Bryson of Heraclea: see Giannantoni 1990, I 475–483 for testimonia, with IV 107–113 for discussion and older views (adding Cope 1855, 143–146). Given the affinity between Bryson's reported position and known Cynic attitudes, it would make sense if he were Bryson of Achaea, teacher of Crates the Cynic at D. L. 6.85; but this is conjectural.

ple, when advising that orators should attack base opponents without resorting to scurrility (for gibes or jokes, *skômmata*, 'aim at the form rather than the substance' of one's opponent's vices), warns against 'naming shameful deeds with shameful words' (τὰς αἰσχρὰς πράξεις μὴ αἰσχροῖς ὀνόμασι λέγειν), in case the speaker should thereby blacken his *own* character. Instead, it recommends, such things ought to be conveyed by hints or oblique suggestions (αἰνιγματωδῶς) and by referring to them with 'the names of other things', i.e. metaphorically or euphemistically.[13]

This last piece of advice, together with Aristotle's in the *Rhetoric*, crystallizes a basic principle of aischrology: because certain things are considered shameful, it may count as shameful even to name them directly or to describe them explicitly, but it need not be shameful to 'signify' or indicate them in other ways.[14] Compatible with this is the possibility that there may be some things for which there is, or can be claimed to be, *no* decent or acceptable language. This is the line deliberately taken by Aeschines in the prelude to his account of Timarchus' alleged self-prostitution—a line strategically useful to an orator who wants simultaneously to seem to respect social inhibitions while exploiting the frisson of certain subjects for the purposes of invective.[15] But as we have already seen, this does not mean (and it would be linguistically bizarre if it did) that to speak of *anything* shameful automatically entails aischrologic transgression. Jeffrey Henderson therefore cannot be right

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[13] *Rhet. Alex.* 35, 1441b20–23 (though still allowing, the passage makes clear, for the right kinds of mockery and denigration); 1441b21 is mistranslated in the Oxford translation of Forster (in Barnes 1984, II 2306). αἰνιγματωδῶς appears in later characterisations of Middle as opposed to Old Comedy (see Nesselrath 1990, 36–45), and comparable advice on the avoidance of shameful language can be found in later rhetoricians, e.g. Hermog. *Inv.* 4.11, *Meth.* 8.

[14] It may also, in principle, be thought shameful to talk of *x* in a certain way even where *x* itself is not intrinsically or unqualifiedly shameful: someone may not think sexual organs shameful but may still regard as shameful/obscene certain ways of referring to them. Crates com. fr. 23 *PCG*, where a character calls it enjoyable (ἡδύ) to practice sex but improper to describe it, seems to make this point.

[15] Aeschin. 1.37–38 (noting 37, words 'like' their referents, as in Aristotle's refutation of Bryson, *Rhet.* 1405b11), with Fisher 2001, 166–167; cf. Aeschin. 1.45, 52 (where Fisher 2001, 184–185 allows for an element of humor), 55, 70, 76, plus 3.174 (noting the implications of 'too clearly', λίαν σαφῶς). Other oratorical passages which correlate the shamefulness of deeds with their description include Dem. 54.17 (even to mention what the *ithuphalli* and other outrageous clubs of young men get up to in their parodically initiatory rituals would be shameful) and Lysias fr. 53 Thalheim, with reference to Cinesias' alleged impieties (see text at n. 55 below). Cf. the various eschewals of aischrology at Dem. 2.19, 18.264, 21.79 (with n. 24 below), 54.8–9.

to claim that the Greeks could not draw what he deems the Roman distinction between the shameful properties of things or actions and those of the language used to talk about them: 'a Greek would consider anything reprehensible to be αἰσχρόν and *therefore* an unfit topic for conversation' (my italics).[16] Though Henderson does not cite any supporting evidence, he presumably has in mind texts which voice the moralistic sentiment that, as Isocrates puts it in his advice to the young Demonicus (immediately, note, after warning against excessive laughter and shameless talk): 'as for things it is shameful to perform, consider it unseemly even to mention them' (ἃ ποιεῖν αἰσχρόν, ταῦτα νόμιζε μηδὲ λέγειν εἶναι καλόν).[17] But this generalization alludes to certain types of behavior, especially sexual, and to certain ways of talking about them. It cannot mean, for instance, that it is shameful ever to mention cowardice or political treachery (undoubtedly shameful actions): if it did, Isocrates would be guilty elsewhere of violating his own code. Our collective evidence for Greek attitudes leaves no doubt that aischrologic speech is correlated with but not reducible to the status of its subject-matter; while linked to underlying evaluations of non-linguistic acts, it is a phenomenon of language as such and in part a matter of sociolinguistic register.[18]

Yet Bryson's paradoxical attempt to nullify the concept of aischrology (an attempt which anticipates Cynic and Stoic attitudes to lan-

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[16] Henderson 1991, 6 (certainly exaggerating the scope of *aischrologein* when he glosses it as 'to speak of *anything* out of place', 5, my italics); cf. his addenda, 240–241. Henderson's Roman/Greek distinction is old: see Shelley's 1818 'Discourse etc.', 95–96. It is clear from Henderson 1991, 2 ('an explicit expression that is itself subject to *the same inhibitions* as the thing it describes' [my itals.], defining 'obscene' in general: cf. n. 6 above) that he makes the shamefulness of certain linguistic terms directly equivalent to the status of their referents. This misleading claim is often made in definitions of obscenity or verbal taboos. Crystal 1987, 8 states that taboos refer to 'acts, objects, or relationships which society wishes to avoid—and thus to the language used to talk about them. Verbal taboos are generally related to sex, the supernatural, excretion, and death …' But which society wishes to 'avoid' sexual acts *tout court*?

[17] Isoc. 1.15; cf. Soph. *OT* 1409, with n. 15 above for a related oratorical motif. Underlying this idea is perhaps the educational anxiety, for which see e.g. Aristotle *EN* 4.8, 1128a28–29, *Pol.* 7.17, 1336b5–6, Democ. fr. 145 DK (*apud* Plut. *De lib. educ.* 9F: 'speech is the shadow of action', λόγος ἔργου σκιή), that speech (including what one is prepared to *listen* to others saying) may pave the way to action; cf. n. 66 below.

[18] Compare Feinberg 1985, 207, 212, on verbal obscenity as a matter of 'word-taboos' not simply reference. Aristotle *Rhet.* 2.6, 1384b17–22, spells out the basic correlation between the shame-inducing status of things and their descriptions, but this does not commit him, as his later refutation of Bryson confirms, to the idea that to speak of anything shameful is necessarily to commit aischrology.

guage)[19] depends precisely on reducing words to their referential function, stripping them of all socio-linguistic charge and differentiation. At the same time it tries to break the link between the shame attaching to certain 'objects' (which it does not purport to deny—but could this be part of his 'sophistic' agenda?) and the impact of mentioning those objects in certain linguistic terms. Aristotle's rebuttal of Bryson makes two subtle points, at least the second of which effectively involves a distinction between sense and reference. First, words vary in their relationship to what they signify; some are more directly or powerfully *evocative* of their referents: in Aristotle's terms, more 'like' or 'akin to' them and better able to bring them 'before the mind's eye' (as though the gap between imagination and reality were smaller in such cases). Secondly, words can signify the same objects in different respects, from different points of view, or with different expressive force. In Aristotle's formulation, two words may both signify something shameful but not (or not to the same degree) *qua* shameful. Aristotle has the psycho-social reality of linguistic communities, Greek and otherwise, on his side. Whatever else may be said of Bryson's paradoxical argument, it is a flagrant denial of the *de facto* functioning of culture through language.

An implication of the ground already covered is that because the shamefulness of aischrology is a derivative of but nonetheless distinct from the shamefulness of its subject-matter, the shame activated by indecent speech reflects directly on the speaker—hence the *Rhetorica ad Alexandrum*'s point about blackening or damaging one's own character by referring aischrologically to others' shameful behavior. That is why the issues of aischrology converge on 'freedom of speech': they involve pressures that deprecate and inhibit certain ways of speaking. If we ask why this should be so, and how sensitivity to aischrology operates in practice (*whose* discourse it affects, and in what contexts), adequate answers to such questions will need to be multi-layered.

It is appropriate, but certainly not sufficient (especially, as we shall see, where democracy is concerned), to make the general observation that condemnation of *aischrologia* tends to be an expression of ostensibly elite discourse, whether we demarcate 'elites' here in terms of status groups, economic classes, or broadly ethical self-definition, though it remains an urgent and still unresolved question in the study of Athenian culture how far nominally elite values were distributed across the

[19] The same view as Bryson's is famously ascribed to the Stoics in Cicero *ad fam.* 9.22 (= *SVF* 1.77).

social spectrum.[20] Take, as an immediate illustration, a passage from Plato *Republic* book 3 (395e) where Socrates, identifying the kinds of things unsuitable for mimetic (i.e., here, dramatic) representation on the part of young members of the guardian class, proscribes exhibitions of 'base men … bad-mouthing and mocking one another, and using foul language, whether drunk or sober, and displaying all the other faults of speech and action that such people commit in relation both to themselves and to others' (ἄνδρας κακούς … κακηγοροῦντάς τε καὶ κωμῳδοῦντας ἀλλήλους καὶ αἰσχρολογοῦντας). The implications and tenor of this passage are more intricate than might appear at first sight. For one thing, the kind of behavior referred to stands as a kind of synecdoche for comic drama, just as the immediately preceding description of female characters competing boastfully with the gods or immersed in grief and lamentation (395d) evokes scenes of tragic drama, perhaps especially in the work of Euripides.[21] More specifically, Socrates focuses on what might count as paradigmatic speech-acts of comic drama: abuse, mockery, foul language. But if Socrates foregrounds the place of aischrology in comedy, it does not follow that his argument condemns comedy *per se*, since he is preoccupied only with what it would be appropriate for future guardians to perform and with the principle of mimetic 'imprinting' whereby psychological and behavioral patterns are assimilated through role-playing—a principle that has particularly strong purchase where the linguistic acts of 395e8–9 are concerned, since to enact the roles in question the performers must use precisely the aischrologic terms at issue. The argument leaves larger consideration of the acceptable contents, form, and performance of comedy unsettled, but it harbors no doubt about the ethics of the nexus of behavior in which it situates aischrology. The sort of characters in question are 'base' people, *kakoi*, likely to be found drunk and therefore without self-control (though even when sober, Socrates indicates, their faults will emerge); their conduct is marked by publicly transgressive vice, including a general shamelessness of speech.[22] This

[20] Ober 1989, 11–17 discusses some of the respects in which we can identify elites in classical Athens, but he does not fully question whether at the level of discourse/ideology ostensibly elite values could cut across socio-political distinctions.

[21] See Murray 1996, 176 for the Euripidean connection.

[22] Socrates' description covers hostile vilification (κακηγορεῖν), humorous but coarse mockery (κωμῳδεῖν), and foul/obscene language (αἰσχρολογεῖν); cf. Nesselrath 1990, 146 n. 102. For the 'even when sober' motif cf. Hyper. *Phil.* 3 (Jensen), Theophr. *Char.* 6.3, with nn. 26, 46 below. Notice that abusive language (λοιδορεῖσθαι) is mentioned as a

evaluative coloring is consistent with much more widely attested Greek attitudes. Aischrology can readily be thought of as the socio-linguistic manifestation of corrupt character and disreputable status, something that makes anyone engaging in it supposedly unfit to belong to a well-ordered community. Hence, in the same mold, Xenophon's portrayal of Spartiate society as a place where aischrology, alongside other obtrusive breaches of social decency, is reputedly eliminated by the weight of ideological indoctrination.[23]

Consider now, in this light, a passage from another fourth-century Athenian text, but one embedded in a very different setting from the philosophical idealism of Plato's *Republic* (or, for that matter, the idealism of Xenophon's Laconian treatise). In his vituperation of Aeschines in the *De corona* Demosthenes at one point targets the spoken language of his opponent, in particular what he characterizes as Aeschines' bawling of 'unspeakable' things (*arrhêta*, *aporrhêta*) and his resort to insult and abuse of Demosthenes (*loidoria, blasphêmia*) in place of supposedly respectable political criticism or accusation (*katêgoria*).[24] It would require lengthy analysis to tease out all the complications of the politico-rhetorical strategy adopted in this part of the speech. My reading will be selective. Demosthenes' stance is shot through with a kind of ambivalence or double standard, a factor that becomes blatant when he goes on to say that Aeschines deserves to get as good as he has given in this regard: this signal prepares the way for Demosthenes' own highly lurid (though also, perhaps, semi-comic) vilification of his opponent in the following chapters.[25] What I want to draw attention to here are two

form of *female* behavior in this same context (395d7), but there with apparent allusion to tragic scenes (such as Eur. *Medea* 465ff.).

23 Xen. *Lac. Resp.* 5.6; cf. Critias fr. 6.14–16 (West).

24 Dem. 18.122–124. The phrase ῥητὰ καὶ ἄρρητα κακά (lit. 'speakable and unspeakable evils') at Dem. 22.61 evidently refers to material that is in part sexual; the same is probably true by implication at Dem. 21.79, given the stress on what was said in front of women. It would be surprising if this were not also the case at Dem. 18.122: to gloss the phrase in this last passage as simply meaning 'everything' (Yunis 2001, 181) misses its frisson of outrage.

25 For readings of this material as involving a quasi-comic dimension see Buckler 2000, 134ff., Harding 1994, 196ff., and, more briefly, Yunis 2001, 22. Cf. Dover 1974, 30–33 for Demosthenes' manipulation of facts, with Hesk 2000, 231–239 for further rhetorical strategies in the exchanges between Demosthenes and Aeschines. Demosthenes' strategy regarding foul language is anticipated near the start of the speech: at 10–12 he expresses disdain for Aeschines' tactic of personal *loidoria, blasphêmein, diaballein, pompeia, hubris*, and *epêreia*, and relates it to his own *social superiority* to Aeschines, though indicating that if the audience wants he will return to this side of the case later on—a

interlocking features of the ethical and social slant that Demosthenes gives to this section of his counterattack against Aeschines. First, he suggests that the indecency of Aeschines' speech is socially stigmatizing: it suits, as he puts it, 'you and your family background' or 'you and your breeding' (*genos*, 18.122). Secondly, he stresses that indulgence in personal abuse, as opposed to measured accusation, has nothing to do with justice, nothing to do with the 'facts' of the case; it is purely a display of the *speaker's* own 'nature', his willingness to stoop to such degrading tactics. Both these points parallel the view of (comic) aischrology we have already met in book 3 of Plato's *Republic*, and the second of them also precisely matches the view of rhetorical invective cited earlier from the *Rhetorica ad Alexandrum*.

There is, however, a third feature of Demosthenes' pose which makes an interesting contrast with Plato's. Demosthenes describes Aeschines' insults as employing the sort of language that belongs to people shouting abuse from wagons (ὥσπερ ἐξ ἁμάξης, 122), and his use of the verb πομπεύειν (literally 'to engage in processional activity') shortly afterwards (124, anticipated much earlier by the noun πομπεία in section 11) confirms that he is referring to traditions of festive, especially Dionysiac, mockery in which 'men on wagons', normally expected to wear masks, hurled coarse abuse at each other or at bystanders or at other named targets.[26] The traditions visualized here are a case of 'ritual laughter', or ritualized festival laughter: they involved, so far as we can judge, a quasi-comic performance protocol (the wagon or float as a mobile 'stage', plus the wearing of masks), together with a markedly Dionysiac indulgence not only in intoxication—by both performers and spectators—but also in the kind of behavior that Demosthenes and other sources refer to, from a moralistic distance, as verbal *hubris*.[27] So in *De corona* Demosthenes casts Aeschines in the role

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hint of how competitive democratic politics could encourage mutual denigration. Cf. also the passing references to Aeschines' *blasphêmia* at 18.34 (linked to the idea of sticking to the points at issue) and 82, and to his *loidoria* at 18.3, 15 (linked with 'jokes' or 'gibes', *skômmata*).

[26] That masks were normal is an inference from Dem. 19.287 (see Frontisi-Ducroux 1992, who posits a satyr costume), in the light of which Steinmetz 1962, 92 emends the text of Theophr. *Char.* 6.3 (see n. 46 below). Usher 1993, 212 gets his wagons muddled.

[27] For the *hubris* of Dionysiac ribaldry see esp. Plato *Laws* 2.637a–b, observed from a puritanically Spartan point of view; cf. Halliwell 2000, 160–161. Verbal *hubris* is synonymous/associated with aischrology at Xen. *Lac. Resp.* 5.6, another context that contrasts Athenian and Spartan values. Demosthenes refers to aischrologic *hubris* at 18.12 (with n. 25 above). Cf. Fisher 1992, 91–93, 99–100.

of a vulgar performer in a komastic street parade, and accordingly brands his style of rhetorical accusation as falling beneath acceptable standards of political debate. Demosthenes seems to take for granted that Dionysiac parades do represent a customary, permitted setting for certain kinds of aischrology. His objection is that Aeschines has exposed his own social baseness and political corruption by transgressing the clear distinction between such a festive context and the supposed decorum of the political arena. We know that this kind of contrast had broader rhetorical currency in this period: witness Hypereides' attack on a figure called Philippides for mixing vulgar buffoonery and antics (interestingly connoted by a metaphorical use of the verb *kordakizein*, to dance the *kordax*—a motif which will reappear later) into his forensic oratory.[28] In Demosthenes' case we can see clearly that the contrast itself represents an extreme trope of derision: its piquancy lies in the sheer incongruity of the juxtaposition between political debate in the Assembly and ritual obscenity in a masked Dionysiac procession; no Athenian audience would take the point too literally. It is important to add that rhetorical use of such imagery for its own laughter-inducing ends reflects the wider circumstance that all Attic orators practiced a hybrid performance-art that was caught between the deadly serious dynamics of political antagonism and the self-consciously gelotopoiic opportunity to exploit *parrhêsia* for the pleasure of mass audiences. Ideally, of course, an orator might seek victory *and* laughter. But there could be no doubt about priorities. To make your audience laugh but lose the vote or decision would simply be failure. Unlike those men on wagons, there were practical consequences to be faced.

There are, then, at least two closely packed layers to Demosthenes' characterization of Aeschines' allegedly foul speech. One is the deployment of an ostensibly moralistic, elite disapproval of the language of those who are perceived as socially and ethically gross. The other is an ironic, semi-comic, twist that uses the extreme disparity between cultural contexts (political/forensic debate, on the one hand, Dionysiac street parades, on the other) and appeals to the audience's ability to

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[28] Hyper. *Phil.* 7 (Jensen), κορδακίζων καὶ γελωτοποιῶν: the metaphorical *kordax* (cf. my text at n. 46) presumably characterizes risqué physical gestures/movements, matching the more general laughter-seeking of *gelôtopoiein*; cf. Whitehead 2000, 58–59. Dance can itself be a vehicle of mockery: see e.g. Aristoph. *Kn.* 696–697, *Clouds* 1078, *Wasps* 1305; a later instance at Plut. *Sulla* 13.1.

appreciate the game of derision that Demosthenes himself is playing. This second point is borne out by the way in which, as already noted, Demosthenes proceeds to justify himself for paying Aeschines back in his own coin with a passage that scoffs at the supposedly servile origins of his opponent's father and his mother's involvement in sexual debauchery of some kind.[29] This apparently blatant double standard should not be treated (or not only) as some kind of personal hypocrisy on Demosthenes' part. That, at any rate, is a historically less revealing way of looking at it than to see it, with the support of much other evidence, as a sign of ambiguity in the status of aischrology in classical Athens, particularly in relation to the city's self-proclaimed ethos of democratic *parrhêsia*. Demosthenes, I want to suggest, is working with the grain of this ambiguity, trying for his own benefit to exploit both sides of it: namely, an elite repudiation of 'low', degenerate speech, and, on the other hand, a democratically 'realistic' acceptance of, even relish for, parrhesiastic freedoms.

Let us focus on a final, telling detail in this passage of *De corona*. One of Demosthenes' epithets for Aeschines is περίτριμμα ἀγορᾶς, an agora habitué.[30] Judging by Aristophanes *Clouds* 447, where Strepsiades imagines (with comic irony) how people will call him a περίτριμμα δικῶν if he becomes successfully trained in forensic techniques of deception, Demosthenes here brandishes an existing item of slang disparagement. Now, the agora can be regarded, from one evaluative angle, as a sordid, vulgar location, associated, in elite terms, with the 'crowd' or 'rabble' (ὄχλος): witness the phrase (a kind of hendiadys) 'the rabble (*ochlos*) and the agora' found contemptuously in the mouth of Theophrastus' 'oligarchic' man.[31] There is, of course, a directly political point here, a distaste for the operations of democracy, but we should not overlook an allusion to the material conditions of parts of the agora, especially in the looser denotation of the term which included the commercial quarter around the civic agora proper: the 'overcrowding' of this district of the city is mentioned in other sources too.[32] This view of the agora as

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[29] Dem. 18.127–131: even here, though, Demosthenes (like Aeschines) avoids the use of extreme kinds of aischrology (sexually explicit terms, in particular) that we find in Old Comedy; cf. n. 51 below.

[30] Dem. 18.127, with Wankel 1976, 678, Taillardat 1965, 229.

[31] Theophr. *Char.* 26.3. On this character see most recently Ober 1998, 365–366.

[32] Perceptions of the 'vulgarity' of the agora in this broader sense were probably intensified by the concentration of brothels in that area: see Fisher 2001, 216–217, with further references. On the narrower and looser denotations of the term ἀγορά in Attic

a magnet for low-life vulgarity, a view sometimes conveyed directly by the adjective ἀγοραῖος, is brashly highlighted in Aristophanes' *Knights*. Early on in the play the Sausage-seller is promised political greatness precisely because he is 'vile, straight out of the agora, and shameless' (πονηρὸς κἀξ ἀγορᾶς εἶ καὶ θρασύς, 181), and the idea of what one might dub the 'agorafication' of Athenian public life and discourse is central to everything that follows in that play, mediated in part through the stereotyped image of the market- or street-vendor's foul speech.[33] We know from the Aristotelian *Ath. Pol.* (and other sources) that Cleon became the target of elite charges of having debased the tone and style of political leadership in Athens: he is said to have been the first politician to shout on the *bêma*, to use abusive language, and to address the Assembly with his clothes girded or hitched up.[34] Two of these three motifs—the shouting and abuse—recur in Demosthenes' attack on Aeschines' aischrology, as well as in Aristophanes' grotesque depiction of Cleon in *Knights* as a Paphlagonian slave (a possible source, of course, for the slurs that find their way into the *Ath. Pol.*); the third, unseemly dress, we shall encounter again shortly. It is deeply implausible in anything like literal terms that Cleon was the first Athenian leader to shout and use *loidoria*. 'Shouting', in the physical circumstances of Greek political oratory, is what you call the power of your enemy's voice, to avoid admitting its potency, while the ancestry of hard-hitting political invective was surely very old and is already glimpsed, however fictively, as early as the Homeric poems. The anti-Cleonian charges of shouting and abusiveness are markers of a tendentious deployment of would-be traditional values against a supposed upstart. The same holds for the gibe about dress. Here an instructive

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see De Ste. Croix 1972, 267–284.

33 The link between being *agoraios* and inclined towards *loidoria* emerges also at Aristoph. *Lys.* 457–460 (alluding to female market-traders etc.), Theophr. *Char.* 6.10 (spurious?), Plut. *De curios.* 521e; Aristoph. *Clouds* 991 (Just Argument speaking) treats the agora as a place to be avoided by respectable youths (cf. 1055), and the references to shame and laughter that follow in 992 bespeak an association of ideas; cf. Isoc. 7.48 for similarly 'conservative' sentiments. Millett 1998, 218–224 discusses elite concerns about the mixture of activities connected with the agora. Wilkins 2000, 156–201 offers a wide-ranging perspective on the comic agora in Aristophanes. Aristotle *Pol.* 1289b33, 1291a4–6, b19–20, 1319a28, indicates the socio-economic class, and the politically low evaluation, of *agoraioi*. For general deprecation of persons/things *agoraios* see also Aristoph. *Frogs* 1015, Aeschin. 1.125, and note the existence of an Athenian law prohibiting abusive remarks about a person's occupation in the agora (Dem. 57.30).

34 See [Aristotle] *Ath. Pol.* 28.3, with Rhodes 1981, 353–354; cf. Aeschin. 1.25 on the dress of orators, with Fisher 2001, 149–152.

parallel is furnished by the habits of the unscrupulous (ἀπονενοημένος) and obnoxious (βδελυρός) figures in Theophrastus' *Characters*, about whom I will shortly say more. So the Cleon of the *Ath. Pol.*, like that of *Knights*, is an 'agorafied' politician, a man who drags political discourse in every way down to the putatively sordid level of the teeming agora of Athens. Finally, it is worth underlining that the cluster of 'agoraic' features I have sketched is cemented by the probably realistic idea that parts of the agora form a site where scurrilous laughter comes into its own: a place whose social bustle and informality allow people (including 'parasites') to sit or move around joking and mocking others.[35]

In sum, aischrology is evaluated by our (in some sense) elite sources in terms saturated with a sense of socio-ethical distinctions and hierarchy. It can even be regarded, as it is by Aristotle, as archetypally servile speech.[36] But this perspective poses a major problem for the mores of democracy, both because of the inclusion of a large *dêmos* in the machinery of government and because the values of democracy include a commitment to extensive *parrhêsia*, frank and free speech, a commitment that is then to some extent qualified, as I mentioned earlier, by a discourse of anxiety regarding the ramifications of such frankness. Can the (alleged) language of the agora be marginalized, we might wonder, if the agora lies at the center of political life (and the agora is, etymologically, the place where people gather [< ἀγείρειν] and the place par excellence where public discourse, ἀγορεύειν, is enacted)? Can one have a democratization of discourse without a concomitant 'agorafication'? Can one have a full commitment to *parrhêsia* without accepting a risk that the aggressive assertiveness of freedom will prevail over the restraints of shame and self-control?[37] Can one, in short, have freedom

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35 For some associations between the agora and laughter (including parasites) see Halliwell 1991a, 286, 291. Note esp. Hyper. *Phil.* 2, where Democrates sits in the agora orchestrating mockery of the polis (cf. Whitehead 2000, 48–50) before eating in the Prytaneum at night—i.e., by innuendo, a *perverted* parasitism; and Phrynichus fr. 3 *PCG*, where 'stings on their fingers' may allude to obscene gestures (cf. Aristoph. *Ach.* 444, *Peace* 549, *Clouds* 651–655, with Taillardat 1965, 357–358).

36 Aristotle *Pol.* 7.17, 1336a39–b12, clearly makes a connection (both practical and ethical) between aischrology and slaves; cf. Aristotle's idea that only certain kinds of humor/laughter befit the 'free' at *EN* 4.8, 1128a18–32, *Rhet.* 3.18, 1419b7–9—also an implication of the argument at Plato *Rep.* 3.395c–e.

37 The idea that excessive *parrhêsia* may exhibit shamelessness is explicitly attested, in different kinds of context, at Plato *Phdr.* 240e, Isoc. 16.22; passages such as Plato *Grg.* 487d5, Isoc. 1.34 illustrate the underlying principle in a milder form. Contrast the capacity of democratic *parrhêsia* to channel shame at ps.-Dem. 60.25–26. Cf. n. 4 above.

of speech without tolerance of aischrology? Aischrology can be notionally excluded from 'good' political discourse, yet it seems to be part and parcel of it, or at any rate something that may prove temptingly popular in certain contexts of democratic rhetoric—as Demosthenes himself hints, early in *De corona*, with his statement that he will return to Aeschines' *pompeia* (his street-parade ribaldry) later on, *if the audience* wishes to hear more of a response to it (18.11). The gesture towards a possible retribution in kind is revealing. Demosthenes, like other orators (including Aeschines himself), treads a fine line between censure of his opponent's supposedly shameless deployment of insult and his own manipulation of laughter-inducing themes of abuse. High-minded disapproval of aischrology may be partially overridden by a willingness to pander to the opportunity for self-justifying tit-for-tat defamation, as indeed we have seen proves to be the case in a later section of the speech.[38] All this mirrors the intricate protocols of democratic debate in classical Athens, protocols that depended on interaction between individuals and the collective. Very strikingly for my purposes, in a passage of Aeschines' *Against Timarchus* the concept of *parrhêsia* is actually associated with the *dêmos'* raucous jeering of speakers in the Assembly—a form of heckling derision that we find comically echoed in passages of Aristophanes.[39] Athenian orators and audiences were involved in a constant negotiation of what could be permitted or tolerated in public discourse: laughter, with its complex relationship to the workings of shame (to which we shall return), was an integral but delicate part of that process.

3. *Language, laughter, and shame: the evidence of Theophrastus*

Having already cited Theophrastus' *Characters* more than once, I would now like to expand on their pertinence to my argument. The *Characters* are important, but also problematic, in part because of their hybrid status as a collection that seems to embody a peculiar mixture of philosophical and at least quasi-comic standards. How one interprets their vignettes will depend substantially on how one estimates the propor-

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[38] Plato *Rep.* 8.549d hints that *loidoria* is a staple in both courts and political Assembly —though the direct reference here is not to democracy.

[39] See Aeschin. 1.80 (important evidence for a *kind* of audience-response, whether or not we believe the particulars), with Aristoph. *Ach.* 79ff. (cf. 38), *Eccl.* 248ff.

tions and blending of that mixture. From my own vantage-point, it is precisely the *Characters*' somewhat elusive fusion of ostensibly disparate elements that makes them exceptionally interesting for an enquiry into Athenian-centred perceptions of (un)acceptable speech and into the intersection of those perceptions with the possibilities of laughter. However exactly one weighs the value of the *Characters* as historical evidence for specificities of social life, their nuances can be read in a way that is illuminating for the appraisal of broad socio-ethical norms.[40] Moreover, these nuances reflect an essentially democratic sphere of experience, despite intermittent allusions to the non-democratic forms of government that Athens went through in the years immediately after 323. Several of the *Characters* shed light on speech-habits and on the pressures of inhibition and shame that may help shape them. It is worth mentioning that some characters—notably the dissimulator (εἴρων), flatterer (κόλαξ), and obsequious man (ἄρεσκος)—react to these pressures by *overcompensation* of one kind or another, either masking their feelings or adopting an exaggerated tendency towards ingratiation. But others offend against propriety in ways that can help reveal the values that bear on 'freedom of speech' in the social world of the democratic city.

Most prominent here is the *kakologos* (28), the compulsive slanderer who, as Theophrastus puts it, 'enjoys nothing in life so much as' saying the worst about other people (τῶν ἐν τῷ βίῳ ἥδιστα τοῦτο ποιῶν, 28.6).[41] He is given, among other things, to spreading graphically malicious claims about people's alleged family background (casting aspersions on the legitimacy of their citizen status) and the sexual behavior of the women of certain houses ('they copulate in the street like dogs'), and he is indiscriminate in the targets of his malice, even breaking that traditional, Chilonian injunction against speaking ill of the dead. His speech-habits manifest total disregard for personal and social restraint; in accusing others of shameless action, he displays a rank verbal shamelessness of his own. But what is most interesting for my purposes is that he justifies his penchant for scandalous insults by invoking a specifically democratic freedom of speech: as previously noted, he tendentiously glosses or misdescribes (ἀποκαλῶν) his *kakologia* as '*parrhêsia* and democracy and freedom' (28.6). Since the *kakologos* is shown as par-

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[40] Lane Fox 1996 makes an interesting case for the different levels on which the *Characters* can legitimately be used as historical evidence.

[41] See Steinmetz 1962, 317–333, and Ussher 1993, 235–246 for detailed comment.

ticipating widely in social life—his slander is said to occur sometimes in response to requests for information, sometimes 'when others are engaging in slander' (28.4), sometimes in general group conversation (28.5)—this purportedly democratic dimension of his character makes a sort of sense. This is not just a swipe at the man's self-exculpation; it hints at a particular tension that attaches to aischrology in democratic contexts. *Parrhêsia* does indeed, by definition, widen the scope for things to be said that would be less easy to say in more restrictive cultures (recall the Xenophontic image of Sparta). But it also thereby opens up an 'arena of risk', both by increasing the potential for offensiveness and by creating a situation in which individuals can harm their own standing or reputation by excessive indulgence in 'bad' speech. After all, Theophrastus' *kakologos* practices in everyday discourse some of the things in which democratic orators also specialized: his denigration of family background or ancestry and his salacious sexual slurs parallel the topoi of personal invective exchanged by Demosthenes and Aeschines.[42] In an implicitly wry touch, Theophrastus makes the slanderer a sort of street-corner equivalent to the polemical practitioner of forensic and political rhetoric.

A different kind of characteristic shamelessness is ἀπόνοια (*Characters* 6), a sort of barefaced temerity. The barefaced man also has an association with shameless speech, though the definition, with its direct reference to αἰσχροὶ λόγοι, may, as usual, not be authentic. Textual problems also interfere with our interpretation of other parts of this character sketch, but it does seem reasonably clear that the barefaced man lacks social sensitivity to foul speech both actively and passively:[43] he is equally prepared to engage in and to tolerate abuse (*loidoria*), and this is associated with a character that makes him, literally, fit for the agora (*agoraios*—a word whose social opprobrium I have already noted). He also offends against decency in visual terms, being ready to go round in public with his clothes hitched up (ἀνασεσυρμένος). Speech and dress are parallel criteria of civility. In a fragment of the comic poet Ephippus, one character describes another's foul talk (αἰσχροεπεῖν) as a

[42] Cf. *Rhet. Alex.* 35.10 for family ancestry as a topos of rhetorical *kakologia*.

[43] On the infinitive λοιδορηθῆναι at 6.2 (active or passive in sense?) see the different views and textual readings in Steinmetz 1962, 91, Ussher 1993, 73 with n. 1, 311–312, Rusten 2002, 68–69; *pace* Lane Fox 1996, 164 n. 147, the matter is not open and shut: Stein 1992, 127 thinks the whole section an interpolation. In any case, μάχεσθαι at 6.4 probably implies abusive wrangling (cf. e.g. Hom. *Il.* 1.304); 6.7 again involves *loidoria*, but may be spurious.

metaphorical breach of sartorial code: 'you've got your tongue improperly dressed'.[44] Improper dressing, in this connection, reminds us not only of the Cleon of the Aristotelian *Ath. Pol.*, but also of Theophrastus' boorish rustic (*agroikos*), who dresses in such a way as to allow his private parts to become visible when he sits down (4.7)—a trait taken even further by the disgustingly obnoxious man (*bdeluros*), who is prepared deliberately to expose himself in the street in front of citizen women.[45] The barefaced man is a low-life figure—at best working as a street-vendor (and thus *agoraios* in the same sense as the Sausage-seller in Aristophanes' *Knights*), at worst indulging in criminal activity. Even so, he is presented as a functioning part of democratic society, appearing frequently (like many Theophrastean characters) in the courts, and not only as a defendant. At root he entirely lacks a grasp of the need to temper freedom of expression in the interests of social decency and cooperative relations. Interestingly, therefore, he is characterized in part as a direct participant in coarse behavior of a strictly *comic* kind: dancing the kordax when sober and perhaps (if we accept a desirable emendation of the manuscripts) without wearing a mask.[46] An affinity with comic drama appears also in the case of the obnoxious man (*bdeluros*), whose sexual indecency was mentioned just above. The latter is actually depicted as a member of a theater audience: constantly clapping when others have stopped, whistling at actors who are popular with the rest of the spectators, and belching ostentatiously (11.3). Editors have not noticed Theophrastus' own joke in this passage: the *bdeluros* behaves, *qua* spectator, in a manner that would make him entirely appropriate as a certain sort of comic character himself, which is just as true of his phallic self-exposure. He is also in his element noisily disporting himself in a crowded agora (11.4)—another *agoraios*, in both the literal and extended senses.[47]

So the evidence of Theophrastus can reinforce a conclusion that I hope takes overall strength from the arguments so far advanced,

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[44] ἐπαρίστερ' ἐν τῷ στόματι τὴν γλῶτταν φορεῖς: Ephippus fr. 23.2 *PCG*.

[45] *Char.* 11.2. Aeschin. 1.26 (cf. 31, 105) connects *bdeluria* with bodily shamelessness in a different context; see Fisher 2001, 153–156.

[46] *Char.* 6.3: see Steinmetz 1962, 92–93, who inserts a negative and emends κωμικῷ to κωμαστικῷ; cf. Stein 1992, 124 n. 3, Ussher 1993, 312. See n. 26 above for the relevance of masks.

[47] Compare the middle section (8), which seems out of place, of *Char.* 19 (with the reference to laughter at 19.9), on the person who willfully breaks a religious taboo by uttering a (religious) obscenity (*blasphêmein*) as his mother is on her way to an omen-reader.

namely that in classical Athens the notion of *aischrologia* marks out anxiety over a domain of speech that the culture of Athenian democracy cannot fully regulate, precisely because this domain overlaps, and interacts in complex ways, with a central piece of democratic ideology. There is a sense here, I want to maintain—and I shall shortly return to this point in connection with comedy—in which democratic norms are threatened by forces that are not just predemocratic but also, because psychologically independent of particular political systems, *sub*democratic. Democratic freedom of speech is not and cannot be unlimited, since unlimited freedom of speech would by definition allow the subversion of democracy itself.[48] Aischrology, if uncurbed, represents a threat to the stability of social and political discourse, and therefore to the forms of life which that discourse mediates.

But if Theophrastus' *Characters* can at least obliquely illuminate the norms and tensions that arise within democratic society, from another angle, as I have already mentioned, they bear interesting resemblances to comic drama, albeit more the comic drama of the late fifth and early fourth centuries than of Theophrastus' own lifetime. It was Theophrastus' teacher, Aristotle, who had pointed out that *aischrologia* was a prime index of the difference between what he called the old (παλαιῶν) and the 'modern' (καινῶν) comedies, and the context of this remark in the *Nicomachean Ethics* makes it clear that for Aristotle the humor of *aischrologia* was an extreme on the socio-ethical spectrum.[49] Given the vivid crudity of some of the language of the Theophrastean *kakologos*—language that goes beyond the conventions of rhetorical aischrology as known to us from Athenian texts[50]—this type of person can be regarded as having *more* in common with the world of Old Comedy than with the democratic orators to whom I earlier compared him. We have already seen that some of Theophrastus' other, especially his more disagreeable, characters are themselves reminiscent of comic figures: that is, they display in everyday life the kinds of disreputable behavior that would normally be watched with outright pleasure only on the comic

[48] Plato *Rep.* 8.562e argues polemically that democratic freedom tends increasingly towards 'bestial' anarchy, including a diminution in the force of shame. My own point is conceptual (not prescriptive): democratic values cannot coherently espouse (though they may still try to implement) a freedom of speech that includes the right to urge the destruction of democracy itself—except (see the last section of my paper) in comedy!

[49] Aristotle *EN* 4.8, 1128a23.

[50] Aristophanes' Praxagora is imagined as heedlessly exceeding the normal bounds of political abuse at *Eccl.* 255.

stage itself or within comparable frameworks of cultural license (such as the performances of 'men on wagons'). To the extent that Theophrastus expects his readers to take pleasure themselves from the depiction of these figures (as opposed, say, to reacting with stern ethical disapproval), he is laying claim to a semi-comic standpoint of his own, and that is certainly one element in the work's teasing elusiveness of tone. But if we compare the *Characters* to the forms of Greek theatrical comedy in which figures speaking like the *kakologos* or exposing their bodies like the *bdeluros* would be entirely at home, we are left in no doubt that by an Aristophanic yardstick Theophrastus' sketches are—linguistically, imaginatively, and in their manner of presentation—only partially or quasi-comic. The *Characters'* snatches of some kinds of aischrologic speech and their brief images of equivalently indecent action can help guide us towards a crucial set of questions about the conditions under which certain kinds of shamelessness may become legitimate objects of laughter—questions that lead ultimately to the knotty relationship between such shamelessness, 'unwritten law', and comedy. But to address these questions head-on we need to move inside the theater and back a century or so to the dramatic universe of Aristophanes and his contemporaries.

4. *Institutionalized shamelessness: Old Comedy's celebration of aischrology*

Within Old Comedy, aischrology is not only permitted; it is actively expected and celebrated, with consequences for the genre's loidoric, sexual, political, and religious lack of inhibitions which hardly need to be documented afresh here.[51] I have argued elsewhere, and continue to believe (despite arguments to the contrary), that Old Comedy's aischrologic imperative brought with it at least an implicitly recognized legal immunity (ἄδεια) in relation to the Athenian law(s) of slander (*kakêgoria*). If, as seems to have been the case, one of these laws, or part of this

[51] Henderson 1991 remains fundamental, though extensively unreliable in detail. Since Henderson himself stresses the exceptional status of Old Comedy in regard to obscenity (see e.g. 13, 'we do not find obscenity anywhere else …', with nn. 6, 16 above), I am baffled by his statement (242) that 'comic poets … were not exempt from the rules governing other kinds of public/official discourse'; cf. the next note. Other pertinent treatments of Old Comedy's aischrologic tendencies are Rosen 1988, Degani 1987 and 1993.

law, specifically prohibited abuse in public and official settings such as temples and other state buildings, what could be more conspicuously symbolic of comedy's exceptional status than its performance, under state-sponsored conditions, in simultaneously one of the city's religious shrines and one of its largest public buildings (the Theater of Dionysus, within the shrine of Dionysus Eleuthereus)? However, I do not want here to discuss legal immunity as such, even though my remarks will assume at least its *de facto* existence.[52] My present concern is with the question of comedy's cultural status *vis-à-vis* the broader social, political, and ethical issues conveyed by the concept of aischrology and explored in the preceding pages. Although I must state my position on this question relatively concisely, I want to do so in a way that draws on a larger approach to the psychology of laughter in Greek culture.

One of the main uses of laughter in Greek culture is as an agency for the projection of dishonor onto people or things perceived as shameful. 'Shameful' (αἰσχρός) and 'laughable' (γελοῖος) can easily be coupled: the Platonic Socrates, for example, at *Republic* 5.452c, says that there was a time when male nudity used to be thought αἰσχρά … καὶ γελοῖα by the Greeks (as, he adds, it still is by barbarians); i.e., to be seen naked would have been deemed shameful and a suitable object of mockery. Of course, not everything shameful can automatically be regarded as 'laughable'. Aristotle famously says in the *Poetics* (5.1449a32–33) that the laughable is 'part' of the shameful, and while he may have a theoretical predisposition to delimit normatively what should count as *geloios* (as we see later on in this same chapter of the *Poetics*) he is also recording a sustainable generalization about Greek behavior. Reactions to what is perceived as shameful will vary according to context, including the viewpoint of the observer. An observer may, for example, react with angry chastisement (whether or not expressed aischrologically), as, say, Hector does to Paris' cowardly withdrawal from Menelaus in the *Iliad*.[53] Laughter is, however, one possible reaction to some species of the shameful, and it can come from either a primary antagonist (as with the Athenian Conon, 'crowing' over his battered enemy, Ariston, according to the latter's account in court) or from a secondary onlooker, typically

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52 My position remains essentially that of Halliwell 1991b; the case to the contrary is put by Sommerstein 2002b.

53 *Il.* 3.38–57; cf. n. 2 above on the use of the Homeric phrase αἰσχροῖς ἐπέεσσιν at *Iliad* 3.38 and elsewhere.

a group, as, for instance, the Theban crowds in Euripides' *Bacchae* imagined laughing at Pentheus as he is led through the city streets in women's dress.[54]

But this leads on immediately to a related point. If laughter is sometimes a culturally apt response to the shameful, it is also itself a potentially shameful thing. Greek ethical, social, and educational attitudes, as attested from the Homeric poems onwards, frequently express or display reservations about inappropriate and/or excessive laughter. To laugh at the wrong time, in the wrong place, or about the wrong things, may itself reflect shame back on one who behaves in this way. (The abiding paradigm here, whatever else one makes of his story, is of course the Iliadic Thersites.) Between the workings of laughter as agency and object of shame there is, ideally, some sort of cultural equilibrium. But it is precisely that equilibrium which is nowhere to be seen in the case of Old Comedy, within whose dramatic universe shaming laughter certainly runs riot, but so does the laughter of shamelessness. And all for the pleasure of an audience that is correspondingly invited to suspend its normal anxieties in this area, an audience psychologically *implicated* in the shamelessness of the event.

When we attempt, therefore, to situate Old Comedy against the broader background of cultural attitudes I have already sketched, the question 'when, or at what, is it wrong (for the audience) to laugh?' seems to become strangely irrelevant. That is because within the purview of this spectacularly uninhibited genre, the dynamics of laughter and shame are exploited to strikingly special effect. What should (by prevailing social norms) count as shameful or ugly can be laughed at freely but also 'irresponsibly', without, it seems, any fear of shamefulness on the part of the audience itself, since the objects of laughter are turned into the material of a performance framed for the collective pleasure of the onlookers. Comedy can say and do what cannot otherwise be said or done with impunity in public life, and the behavior of its audience is part of that special contract. Comedy plays by different rules. The speaker of a fragment of a speech of Lysias' tells his audience that the defendant, Cinesias, is guilty of acts of such impiety as 'it is shameful for everyone else even to mention, but you hear them from comic poets every year'.[55] This, patently, is an exceptional 'free-

[54] Dem. 54.8–9, E. *Bacchae* 854–855; cf. Halliwell 1991a, 286 and n. 25 for more cases of public derision by crowds.

[55] Lysias fr. 53 Thalheim (*apud* Athen. xii 551f.); cf. Isoc. 8.14 (with n. 62 below) for a

dom of speech'. Aristotle exempts comic drama (and performances of *iambos*), as well as ritual mockery (*tôthasmos*), from his general strictures against aischrology; and even Plato makes a limited gesture in the same direction.[56] Old Comedy in this respect exemplifies the phenomenon of what I have elsewhere called 'institutionalized shamelessness'. An arguably acute statement of the principle at stake here (though text and meaning are debatable) is found in the punning observation of Heraclitus fr. 15 on phallic processions and songs: 'if it were not Dionysus in whose honor they process and chant a song to genitals (*aidoia*, literally "the parts that merit *aidôs* [i.e. an inhibiting sense of shame]"), their behavior would have been most shameful (*anaidestata*)'.[57] The remark obviously reflects a non-Athenian context of Dionysiac phallic rituals (though rituals likely to have resembled their Athenian equivalents), but it directly identifies the larger cultural phenomenon and mentality with which I am concerned.[58]

The audience of Old Comedy is consequently exempted from both the practical and at least some of the psychological inhibitions that could impinge on reactions to the shameful in life.[59] By cultural convention the theater audience is not just permitted but invited to laugh at everything, including itself: Aristophanes *Clouds* 1096–1104, where the Just Argument defects to the collectively 'wide-arsed' spectators, is a classic instance of the comic loop whereby the audience is expected

similar contrast. On the 'shameful even to mention' motif see nn. 15, 17 above.

[56] See Halliwell 1991b, 66–70 for Platonic and other Greek acknowledgments of how a festive context can justify/excuse aischrology.

[57] Heraclitus fr. 15 DK: εἰ μὴ γὰρ Διονύσῳ πομπὴν ἐποιοῦντο καὶ ὕμνεον ᾆσμα αἰδοίοισιν, ἀναιδέστατα εἴργαστ' ἄν. Kahn 1979, 264–266 and Babut 1975, 40–51 are among the most interesting readers of the fragment's significance; on its second half, the identity of Hades and Dionysus, see also Seaford 1994, 321–322. Phallic songs have been recently discussed in Csapo 1997 and Bierl 2001, 300–361.

[58] Institutionalized shamelessness can be thought of as symptomatic of a deep paradox about laughter: its double-edged capacity to function as an offensive/aggressive, shame-directing act, and as a means of finding temporary escape from the psychological burden of shame.

[59] Socrates' remarks on the limits of the appropriateness of laughter at Plato *Phlb.* 48a–50b are partly psychological, partly pragmatic (we don't laugh at powerful enemies who could take revenge …), and they seem to have some application to both comic drama and life (cf. 50b). Aristotle's remarks in *Poetics* 5, which may have been influenced by the *Philebus*, are principally addressed to comedy as an art-form, though they may have some wider implications: his main point is that the presence of (serious) pain or destruction falls outside the comic or laughable, though his psychological premise cannot automatically be treated as descriptively valid for Greek behavior in general (where e.g. the idea of mocking a defeated enemy is normal).

to laugh at a gibe against its own 'shamefulness'. This, of course, presupposes consensual participation in the festive and theatrical language game of comedy, and leaves open the possibility of different responses on the part of uninvolved or resistant observers. But for such consenting participants comedy can be said to *translate* the energy of shame wholeheartedly into laughter, institutionalizing and in a sense ritualizing this conversion of a potentially negative, hostile force into the celebrations of communal enjoyment. Old Comedy thus manipulates the great polarity present in Greek attitudes to laughter—a polarity between the ideas of derisive, shame-directing antagonism, on the one hand, and reciprocal, ludic gratification, on the other—and converts the strong 'charge' associated in life with the former into an intensification of its audience's theatrical participation in the latter.

But there is a price to be paid for the privilege of such institutionalized shamelessness, such exceptional 'freedom of speech'. This price is the loss of the normal efficacy of shame, including shame-bearing laughter, as an instrument for the regulation and control of social action. As with all forms of consensual joking, the capacity to generate shared amusement weakens or even disables the potential to shock.[60] To laugh derisively is normally, in Greek culture, a hostile act, and one that therefore runs the risk of reprisals. To *be* derided is to have a powerful motive for retaliation. So to be derided and remain powerless to retaliate is, as Socrates observes in Plato's *Philebus* (49b), a definition of what it is to be truly laughable or comic (*geloios*). But the audience of Old Comedy can laugh without danger, even when the victims of comic abuse are in reality powerful and influential: the unwritten rules of the genre's cultural status effectively disarm its targets, rendering them generally incapable of direct response even against the playwrights themselves.[61] This is one reason, I believe, why the dynam-

[60] See Douglas 1975, 106–107 for some perceptive reflections on this point. Rosen and Marks 1999 provide a stimulating comparative case study that explores related issues.

[61] The inevitable retort here is: what about Cleon and *Babylonians*? Leaving aside the difficulty of details (Aristophanes' 'version' is comically slippery; the scholia on the relevant passages are mostly derivative), I would say: first, the episode may show that comedy's freedoms were not *absolute* (of course; no freedom was in Athenian democracy), but that does not diminish their general force; secondly, Cleon apparently had to invoke an exceptional principle—that Athens' wartime interests might be damaged by mocking the city *in front of 'foreigners'* (Aristoph. *Ach.* 503)—to make a case at all against a comic performance; thirdly, Aristophanes was able to respond, in part, with elaborately *personal* aischrology against Cleon in *Knights*—QED, as it were. Cf., on the opposite side

ics of the genre, notwithstanding its *prima facie* standing as an institution of democratic culture, should not be regarded as essentially democratic but rather as both pre- and subdemocratic, tapping psychological roots—whether individualist, utopian, or more diffusely anomic—that run below the level of (Athenian) democratic ideology. Old Comedy exploits an unruly license for mockery that is no more respectful of democratic controls than of any other.[62] Most Aristophanic protagonists, we need to remember (it often gets forgotten), diverge wilfully in one way or another from democratic procedures and ideals, setting themselves up against the authority of Assembly, magistrates, and law—and, at the extreme reached by Praxagora, abolishing democracy itself! Comic *parrhêsia*, including comic aischrology, may receive institutional protection from democracy, but it is not authentically democratic in its imaginative operations.

This last point is reinforced by the fact that virtually all Aristophanic protagonists exhibit some degree of shameless disregard for social norms—Dicaeopolis, the Sausage-seller, Strepsiades, Philocleon, Trygaeus, Peisetaerus, and Dionysus to a marked degree, but also, in somewhat different ways, Lysistrata and Praxagora. The same is true of numerous secondary characters, not least Pheidippides, the Unjust Argument, Euelpides, Euripides' Kinsman, Xanthias, and several of the supporting casts of women in *Lysistrata*, *Thesmophoriazusae* and *Ecclesiazusae*. Comic shamelessness operates in various spheres. One of the most conspicuous, and one with salient consequences for *aischrologia* and its visual counterparts, is that of sexuality. The comic phallus was, among other things, a badge of institutionalized shamelessness. If shame was often focused socially by the ways in which people literally saw or looked at one another, the flagrant visibility and availability of the comic phallus advertised the genre's imperviousness to

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of the debate, Sommerstein's chapter in the present volume: I disagree radically with his excessively positivist treatment of many texts he cites.

[62] Old Comedy was often regarded in antiquity as quintessentially democratic: see ps.-Xen. *Ath. Pol.* 2.18 (but famously, and falsely, *limiting* comic freedom *vis-à-vis* the *dêmos*), with Halliwell 1991b, 66 n. 69 for later sources. Various modern versions of this idea can be found in e.g. Reckford 1987, 68, Flashar 1994, 69–70, Sommerstein 2002a, 26. For what it's worth, comic poets themselves do not appeal to the idea of democratic *parrhêsia* in justification of their own freedoms; the only fifth-century comic reference to *parrhêsia* I can find is at Aristoph. *Thesm.* 541, where the Kinsman is defending himself against the women. (The term occurs more commonly in fourth-century comedy.) Isoc. 8.14, dating from 355, explicitly ascribes *parrhêsia* to comic poets; cf. n. 55 above.

shame.[63] (Recall the *bdeluros*, the obnoxious character, in Theophrastus.) That is why Aristophanes' parabatic conceit about supposed avoidance of the big, red-tipped phallus at *Clouds* 537–539 is not just a joke about his own work; it is a huge joke on a cultural presupposition of the entire genre. An Old Comedy with the modesty of a maiden (*Clouds* 534–537)! One would have to be culturally very misinformed to miss the palpable irony of this self-contradictory trope.

5. *Conclusion*

Of course, a fuller account of the relationship between Old Comedy and the workings of shame would need to examine in detail a number of specific issues, including the repertoire of voices adopted by comic poets/choruses who purport to target shame-bearing mockery against offending individuals.[64] But my position here depends on the general premise that the genre tends strongly towards the (vicarious) comic celebration of shamelessness, providing its audience with opportunities and encouragement to laugh *with* and not simply *at* the shamelessness of its characters. Such comedy, as an argument of Plato's formulates it, invites spectators to take strong, unabashed pleasure in the dramatic representation of laughable behavior of a kind that they would be *ashamed to engage in directly* and would, moreover, readily condemn in life (*Republic* 606). As well as concurring with readings of this passage as proto-Freudian,[65] I would like to stress how the observation given to Socrates in this passage of the *Republic* shrewdly presupposes a deep ambiguity in the relationship between laughter and shame. As I earlier suggested, laughter can indeed target and chastise the shameful but can also mark shamelessness on the part of the laugher, and it is this which allows Plato to treat audience laughter as the vehicle of a kind of psychological complicity in the 'gelotopoiic' game of comic the-

[63] I discuss Aristophanic sexuality and shamelessness in Halliwell 2002. On the importance of seeing and being seen (at least in the imagination) for the concept of shame, see Williams 1993, 78–90, and cf. n. 11 above.

[64] I regard the comic parabasis, in particular, as essentially an exercise in transparent role-playing (with feigned personae, parodic voices, and rhetorical posturings); much modern criticism mistakes such humor for authentic authorial communication. See Rosen 2000 for an application of this model to Cratinus.

[65] See Reckford 1987, 58–61.

ater (or, equally, of coarse private joke-making).[66] Plato gives the point a moralistic edge which probably goes beyond what some Athenians would instinctively have accepted, but I submit that he is nonetheless diagnosing a key phenomenon of the theater of Old Comedy (a theater with which he grew up) and the sway of unfettered laughter on which it thrived. The phenomenon in question was not just the suspension but the obtrusively pleasure-seeking transgression of normally prevailing principles of shame. For Athenians, that involved a pact between masked, phallic performers and their vicariously, temporarily shameless mass audiences. Its reward was one kind of self-overcoming: the laughter of both bodily and mental release, at a level that could undercut even the values of the democracy that sponsored the performance. And that was one kind of Dionysiac experience.[67]

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[66] As the phrase καὶ ἰδίᾳ ἀκούων (606c4) indicates, Plato is partly exercised by the consequences of conversational humor; cf. the Aristotelian passages cited in n. 17 above.

[67] I am indebted to audiences at the Penn-Leiden colloquium (May 2002) and at Harvard University (April 2003), as well as to the editors, Sir Kenneth Dover, and Dr Jon Hesk for written comments: thanks to all for the best kind of *parrhêsia*.

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CHAPTER SEVEN

HARASSING THE SATIRIST: THE ALLEGED ATTEMPTS TO PROSECUTE ARISTOPHANES

Alan H. Sommerstein

1. *Introduction*

In two of the surviving comedies of Aristophanes, in ancient commentaries thereon, and in ancient biographies of the dramatist, there are what appear to be references to direct attacks mounted against him by the powerful politician Cleon. This chapter, building on the discussion in my recent article 'Comedy and the Unspeakable',[1] aims to explore what, if anything, these passages can tell us, not so much about the legal framework within which Old Comedy operated,[2] as about attitudes among the Athenian public to comedy's exuberant and extravagant slandering of almost anyone who could be said to be in the public eye.

Let us first briefly present the data.[3] In Aristophanes' earliest surviving play, *Acharnians*, produced (by a collaborator, Callistratus) at the Lenaea festival early in 425 BCE, the hero, Dicaeopolis, who has made a private peace-treaty with Sparta for himself and his family, finds himself assailed as a traitor by the bellicose chorus of elderly charcoal-burners from Acharnai. Eventually, by a ploy borrowed from Euripides' tragedy *Telephus*, he secures a hearing, but he remains extremely apprehensive of their likely prejudice and hostility. And he recalls (377–382) (**1**) a relevant past experience which he says he 'suffered at Cleon's hands because of last year's comedy': Cleon had 'dragged [him] into the council chamber' and viciously slandered and abused him so that

[1] Sommerstein 2002, 2004. As the pagination of the English version of this article was not known early enough, all references hereinafter are to the German text (Sommerstein 2002).

[2] Which was in my view (see the above cited article) no different (except during the short period between 440/39 and 437/6 BCE) from the legal framework applicable to all other forms of public speech.

[3] The relevant texts (comic, scholiastic and biographical) are given in full in the Appendix; figures in bold refer to the numeration there.

he 'very nearly perished'. Accordingly he decides to make himself appear wretched and pitiable by borrowing from Euripides the beggar's costume and accessories that had been worn by the hero of *Telephus*. Thus equipped, he returns to face the Acharnians, and in a long speech justifies his peace-treaty by arguing that the war should never have been begun in the first place.[4] Near the beginning of this speech he says (502–508) (**3**) that '*now* at any rate Cleon will not allege against me that I am slandering the city in the presence of foreigners' because at the Lenaea (as distinct from the other major dramatic festival, the City Dionysia[5]) no foreigners are present except those permanently resident in Attica; and presently, when giving his account of how the war originated, he says (515–519) that the first provocation was given by 'men of ours—I do not say the city; remember that, I do not say the city'—evidently to emphasize that whatever he may have done on a previous occasion, this time he cannot be accused of slandering the city at all, let alone of doing so in the presence of foreigners. Nor has Aristophanes yet finished with the subject. In the *parabasis*—the passage in which the chorus 'come forward' to address the audience directly—the chorus-leader says (628–632) (**4**) that 'our producer' (referred to later in the same speech as 'the poet') has been 'traduced by his enemies before the Athenians … as one who ridicules our city and insults our people'[6] and now wishes to reply to these charges. He then expatiates for twenty-six lines on the benefits 'the poet' has conferred, and can in future confer, on the Athenian people, and concludes (speaking now in the first person in the poet's name) by defying Cleon to 'contrive [and] devise what he will against me', because 'right and justice will be my allies' against this 'cowardly and right buggerable citizen' (659–664) (**5**).

Putting these passages together, it is evident that the experience that Dicaeopolis claims to have undergone himself, and the experience that the chorus-leader claims the producer/poet has undergone, are one and the same, and *prima facie* we can deduce that the producer/poet was forced, 'because of last year's comedy', to attend a hearing before

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[4] This is, of course, a *non sequitur*: on its significance see Bertelli 1999.

[5] Which took place in the spring, just after the beginning of the sailing season (cf. Thphr. *Char.* 3.3); the Lenaea fell two months earlier, when no one would travel by sea unless absolutely necessary.

[6] The verb καθυβρίζει 'insults' here is presumably responsible for the statement of a scholiast on Aelius Aristeides (**9**) that Cleon prosecuted Aristophanes for the offense of *hubris*—which he certainly did not, since that would have been a *graphê* (see below) and would not have involved any proceedings before the council.

the Council of Five Hundred, at which Cleon in a powerful speech accused him of slandering, ridiculing, and insulting the city and people of Athens in the presence of foreigners—that is, at the City Dionysia. The outcome is not made explicit, since once allowance is made for rhetorical (let alone comic) exaggeration 'I very nearly perished' might mean anything from 'I was sentenced to a heavy penalty, though not to death' down to 'I came fairly near to being convicted on a serious charge' or even merely 'I was almost drowned in the flood of his oratory'.[7]

The ancient commentators (scholiasts) purport to provide considerable further information about the events lying behind these references, but some of this is certainly guesswork.[8] For example, a commentator on *Ach.* 378 (**2**) explains that Cleon 'indicted' (*egrapsato*) Aristophanes for 'wronging the citizenry'—which cannot be right, since the verb *egrapsato* and the cognate noun *graphê* are technical terms of Athenian legal procedure referring to a form of prosecution which involved a preliminary hearing before a magistrate and a final trial before a jury-court (*dikastêrion*) but which did not involve the council at all. It is also striking that while this scholiast identifies the accused as Aristophanes, another commentator (on *Wasps* 1284, to which we shall come presently) (**7**) takes it for granted that the *Acharnians* passage refers to an attack not on Aristophanes but on his producer Callistratus; it will be recalled that in the *parabasis* of *Acharnians* one and the same person is spoken of both as 'our producer' (*didaskalos*) (628) and as 'the poet' (*poiêtês*) (633, 644, 649, 654). It is evident that the scholiasts and their sources had no independent information as to the procedure adopted by Cleon or even as to whom it was directed against.

Three assertions, however, are made in the scholia on *Ach.* 378 (**2**) which cannot be derived from the text of *Acharnians* or from guesswork based thereon. The first is that by 'last year's comedy' is meant Aristophanes' lost play *Babylonians*. We know that accurate information, ultimately based on official records, was available to ancient scholars about

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[7] Which has just been compared to a river in spate (381).

[8] Brockmann 2003, 142–156 argues strenuously that these scholia provide for us 'keine Theorie, sondern historisches Wissen' (153) going back to 'einen sachkundigen Kommentator, dem die *Babylonier* und der Konflikt, der nach der Aufführung entbrannte, wohl vertraut waren' (149); but he does not explain from what source, other than comic texts and didascalic records, this commentator can have derived his information. Brockmann also fails to notice the scholiast's error about the nature of the prosecution (see next sentence).

the dates of Athenian dramatic productions and the festivals at which they were staged, in the form of the *Didaskaliai* edited by Aristotle,[9] and it would have been easy to ascertain that *Babylonians* was the play by Aristophanes that was produced at the City Dionysia of 426 and that its producer was Callistratus.[10] Secondly, the scholia say that in this play Aristophanes 'satirized the magistrates, both those chosen by lot and those chosen by vote, and Cleon'. Their ultimate authority for this statement will have been the text of *Babylonians* itself; the surviving fragments of that play (less than 150 words in all) provide no direct evidence in support of it, but there is satire both on Cleon and on elective officials (e.g. generals, ambassadors) in all Aristophanes' surviving plays of the 420s, and sometimes also on sortitive officials, whether individually or collectively,[11] so it would hardly be surprising if *Babylonians* contained passages directed at all three targets. It is most likely, however, that so far as 'magistrates' are concerned, the reference is to a single passage in which a single sweeping accusation was made against the magistrates (or some magistrates) of both types at once;[12] this best accounts for the somewhat unusual phraseology employed.[13]

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9 See Sommerstein 2003, 1–2.

10 This information (except for the identification of the festival) is in fact given in two medieval sources (Photios 499.1; *Suda* σ77), and it is unlikely that they derived it merely from the scholia on *Acharnians*, for rather than dating *Babylonians* by reference to *Acharnians* they date it (as the *Didaskaliai* would have done) by the name of the Athenian chief magistrate (archon) then in office, and add that it was twenty-five years (reckoned inclusively) before the official introduction of the Ionic alphabet at Athens in 403/2.

11 For example, in the Assembly scene of *Acharnians* (43–173) the *prutaneis* (the fifty members of one of Athens' ten tribes who had been chosen by lot to serve on the council for a year, and who for one-tenth of the year formed its business committee and presided over Assembly meetings), acting through their herald, are represented as improperly silencing Dicaeopolis when he attempts to intervene in the debate, as if determined that voices opposed to the policy they favored should not be heard; and in *Peace* (906–908) we are given to understand that the *prutaneis* will often refuse to bring business before the Council unless bribed to do so (not a complaint confined to comedy; see Olson 1998 *ad loc.*)

12 It could have been done in one line, e.g. καὶ ταῖς ἀρχαῖς ταῖς κληρωταῖς ἐδίδου καὶ χειροτονηταῖς 'and he kept giving ⟨bribes⟩ to the magistrates, whether chosen by lot or by vote'.

13 The alternatives would be (i) to suppose that the statement is based on a series of references to different individuals in different passages of *Babylonians* (but how would the commentators have known that all these men currently held magistracies—particularly sortitive magistracies, whose holders almost by definition were normally of no political importance as individuals?) or (ii) to suppose that it is based on something that Cleon had said in his speech (but no one at this time was putting speech texts into circulation—with the possible exception of Antiphon, a convinced oligarch who would

The scholiast's third statement of interest is of a rather different kind; it is that Cleon 'also indicted [Aristophanes] for *xenia* [the crime of falsely pretending to be an Athenian citizen] and brought him to trial'. This must refer to separate proceedings taken on a separate occasion; once again the procedure named is *graphê* (see above) and therefore would have involved no hearing before the council, and in any case charges of two such widely different offenses, even against the same person, could not under Athenian practice have been tried together. The story of a trial for *xenia* appears also in the ancient biography of Aristophanes (**8**), where the prosecution is specifically said to have been provoked by *Babylonians* and some speculations are made as to its possible factual basis. We shall have to return to this matter, merely noting for now that nothing in *Acharnians*, and nothing in any other surviving contemporary or near-contemporary text, provides any direct support for the story.

Whatever may or may not have taken place between Cleon and Aristophanes (or Callistratus) in the ten months following the Dionysia of 426, it is certain that Aristophanes continued to make Cleon a major satirical target. In *Acharnians*, apart from references directly related to the *Babylonians* affair, we find the hero recalling with pleasure an occasion when Cleon was made to 'cough up' a sum of five talents (*Ach.* 5–8) and the chorus promising to 'cut [him] up into soles for the Knights' shoes' (*Ach.* 299–302). In *Knights* (Lenaea 424) Cleon, in the guise of the villainous slave Paphlagon, is a central character, is accused of every imaginable crime, and eventually is deposed from his position as the trusted steward of Demos (the Athenian people personified) and set to stand among the prostitutes at the city gates and sell sausages stuffed with dogs' and asses' meat. *Clouds* (Dionysia 423) survives only in a partially revised form, but many of the original topicalities have been retained;[14] it seems likely that Cleon was mentioned only in the

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never have written a speech for Cleon—and the probability of any authentic record of Cleon's speech surviving by any other route is vanishingly small).

[14] See Storey 1993, Sommerstein 1997. Casanova 2000, 30–31 doubts this conclusion, because of the paucity of references to Cleon; but a paucity of references to Cleon, in a play from the year 423, is just what *Wasps* 1284–1291 would lead us to expect (see below). Casanova argues that the presence in *Clouds* of four references to Hyperbolus suggests that some of them were added after Cleon's death; that in 551–559 certainly was, but as to the rest, if Aristophanes could mention Hyperbolus twice in *Knights*, once at considerable length (1303–1315, 1363), there is no reason why he should not mention him thrice in the original *Clouds*, especially if he was going easy on Cleon.

parabasis, where the Athenians are criticized for having elected him as a general—against the will of the gods, the chorus claim—and urged to 'convict [him] of bribery and theft, and then clap his neck in the stocks' (*Clouds* 591–592).

In *Wasps* (Lenaea 422) Cleon is a major figure again, even though he appears little on stage.[15] The play's chief characters are an old man named Philocleon ('Lover-of-Cleon') who is a fanatical devotee of jury service, invariably voting to convict every defendant, and his son Bdelycleon ('Cleon-makes-me-Puke') who attempts to cure him of his addiction, against the opposition not only of his father but of his father's friends, the waspish jurymen who form the chorus and who share the old man's adoration of Cleon. First Philocleon (197) and then the chorus (409) call Cleon to their aid, and both times he fails to come—but he appears in the end after all (894–1008), in the guise of a lazy, thievish dog[16] who prosecutes another dog, ostensibly for stealing cheese but really, as his own speech makes evident, for not having bought him (the prosecutor) off with part of the loot. Directly after this scene, in the *parabasis*, 'the poet' is praised for having dared, like Heracles, to attack great monsters like 'the Jag-toothed One' (1031) whom all interpreters, ancient and modern, have rightly identified as Cleon. Later, when Philocleon has reluctantly agreed to give up judging and is being trained for high-class social life, he is asked to imagine himself as a guest at a party together with Cleon and others—and having apparently seen the light at least so far as Cleon is concerned, he calls him a villain and a thief who has well-nigh ruined Athens (1226–1236). Soon after this he and his son go off to a real party, and the chorus perform a second *parabasis*, in the final section of which (1284–1291) (**6**) their leader, apparently speaking in the name of the poet, gives a fairly detailed, but allusive and metaphorical, account of a confrontation with Cleon. Once again we hear of a violent speech in which the poet was 'harried … stung … flayed … squeezed'; the public, he says, merely laughed at his plight, and 'seeing this, [he] played a bit of a small trick', which led many to suppose that he and Cleon had

[15] For a detailed analysis of the presentation of Cleon in *Wasps* see Storey 1995,12–23.

[16] This is at once an aspersion on his character (dogs were proverbially shameless, and Cleon is often said in Aristophanes to be so), a pun on his name (*Kleôn*—*kuôn* 'dog') and, probably, an allusion to a liking he had for describing himself as 'the People's watchdog' *vel sim.* (cf. *Knights* 1015–1035).

'come to terms'. But they were wrong: 'now the stake has let down the vine'.[17]

In principle this *could* be a description of the same event referred to in *Acharnians*, and some ancient scholars seem to have thought that it was. But the scholiast on *Wasps* 1284 (**7**) rejects this view, partly because 'it would be rather out-of-date to bring those old matters up again'—to which we can add that no one in 422, or at any time after *Knights*, could possibly have believed that there had been a truce between Aristophanes and Cleon ever since 426.[18] The event referred to, then, must be supposed to have taken place after *Knights*, and most likely before *Clouds*[19] (when, as we have seen, Aristophanes does seem to have gone comparatively easy on Cleon, by the standards of *Knights* or even of *Wasps*). The scholiast clearly, however, has no firm evidence of a court case between the two in this later period,[20] for he suggests that the *Wasps* passage might be referring, not to a court case, but only to 'some kind of threat'.

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17 Vines rely on stakes to prop them up; similarly Cleon, thinking Aristophanes had 'come to terms' with him, was relying on him to keep his supposed promise—and now he has broken it. The metaphor compels us to identify the 'vine' with Cleon: no other relevant person or group could be said to have *relied on* Aristophanes and to be injured by his deception as the vine is damaged when the stake supporting it breaks. This rules out the interpretations of Mastromarco 1993 and Totaro 2000, 179–195, according to whom the 'vine' represents certain supposed friends of Aristophanes who had failed to support him against Cleon and who subsequently spread the rumor that the two had come to terms, and also that of Storey 1995, 22–23, who while broadly agreeing with the view taken here suggests that v.1291 might secondarily refer to Aristophanes' deception of his public in making them believe, for more than half the play, that he was going to observe the supposed truce with Cleon by abstaining from any *sustained* attack on him. Storey has done well to draw attention to that deception—but v.1291 cannot refer to it.

18 Cf. Storey 1995, 10.

19 So Hubbard 1991, 139; *contra*, Sommerstein *olim* (1977, 262), arguing that *Clouds* 581–594 is incompatible with the idea of a truce, and Storey 1995, 10–11, arguing that that passage, making direct criminal charges against Cleon by name (something never done in *Knights*), may itself have provoked Cleon's second attack. But after the unprecedented (Sommerstein 2000) assault on Cleon in *Knights*, occupying an entire play, a single passage in the parabasis *would* seem remarkably little: Cleon, in fact, gets more attention in *Peace*, written after his death, than he does in *Clouds*, and in *Clouds* itself three other political figures (Hyperbolus, Cleonymus, and Simon) are mentioned more often than he is (see also n. 14 above).

20 Which implies that either he did not know the story about a prosecution for *xenia*, or that he did not believe it, or that he thought that any such prosecution had occurred before, not after, the production of *Knights*.

2. *Assessing the evidence*

Such is the evidence. What are the objective facts underlying it? We must first ask—especially perhaps in a volume edited by Ralph Rosen[21]—whether there are necessarily any objective facts underlying it at all. We have learned to be highly sceptical of what seem *prima facie* to be autobiographical data in ancient poetry,[22] and to distinguish carefully between the *persona* of a poet (the 'poetic I') and his actual person—all the more so in dramatic poetry where every utterance, even one ostensibly made in the name of the poet, is actually made by a fictive character distinct from him.[23] If in Aristophanes' lost second *Thesmophoriazousae* the chorus (less likely an individual character), speaking on behalf of the poet, excused any defects in the play by telling the audience that the poet had recently had a serious illness lasting four months,[24] we would be foolish to take it as certain that he actually had had a serious illness lasting four months, let alone that its symptoms were precisely as described. But, as Christopher Pelling has recently emphasized,[25] it is one thing to deceive an audience, another to baffle them. In Old Comedy, as in oratory (both ancient and modern), what is *asserted* may be true or it may not; what is *alluded to as if already known* must at the very least have been a proposition familiar to the audience, which a significant proportion of them would be prepared to accept as true. Moreover, if we hypothesize that a story is not true, we are still making a historical assertion, viz. that someone invented it; it should therefore be the sort of story that someone can plausibly be supposed to have invented, and if it is not, the alternative hypothesis—that the story is true—becomes more probable.

How do the *Acharnians* and *Wasps* passages fare against these criteria? The *Wasps* passage, to take it first, is, as we have seen, allusive and metaphorical: so allusive and so metaphorical that it could hardly be understood except by an audience that knew what was being referred to. We need not, and are not expected to, believe that those who heard Cleon's speech were interested merely in whether Aristophanes 'was

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[21] See Rosen 1988, esp. 63–64, 78–79.

[22] See especially Fairweather 1974 and Lefkowitz 1981.

[23] Except in the (so far as we know) unique case of Cratinus' last play, *Pytine*, in which he made himself one of the characters.

[24] Ar. fr. 346 K.–A.

[25] Pelling 2000, 123–163, esp. 130–133.

going to let out a bit of a joke if sufficiently squeezed' (*Wasps* 1286–1289); that passage is itself a joke—but the joke works, like many current-affairs jokes today, because it distorts and exaggerates reality, and would not be funny if the event on which it is based was one which everybody knew had never occurred.

As to the *Acharnians* passage, the key detail here is the mention in *Ach.* 379 of the council chamber (*bouleutêrion*). Nobody inventing a prosecution, or a threatened prosecution, would choose that location.[26] The great majority of prosecutions were initiated before a magistrate or board of magistrates, who then referred them to a jury-court over which he/they presided. Only a small class of cases began with a denunciation to the council, most notably those brought by the procedure termed *eisangelia*, to which it is generally held that the *Acharnians* passage refers (even though what we are told in *Acharnians* about the case does not entirely fit the direct evidence—all of it substantially later—about the types of offense for which *eisangelia* was available).[27] Nor is it even the case that offenses prosecuted by *eisangelia* were necessarily graver than others, so that someone wishing to exaggerate the danger he had allegedly been in might choose to invent an *eisangelia* rather than, say, a *graphê*; *eisangelia* was used for some very serious offenses carrying a mandatory or discretionary death penalty, but several other procedures were used for other such offenses (and sometimes several different procedures were available for what was essentially the same crime).

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[26] Pelling 2000, 148 argues that it might be chosen specifically in the case of Cleon because 'this was where … [he] was felt to be particularly at home' (citing *Knights* 465–467, 773–776), and that in the *Acharnians* passage we are meant to assume that Dicaeopolis 'is here speaking … for last year's leading figure', just as the chorus in 1150ff. seem to be speaking for a previous comic chorus. However, Pelling accepts that for the passage to be effective, 'the audience need … [to] know … that there had been some sort of attack by Cleon on poet or producer for attacking the city' (p.150)—an attack which must have been 'notorious' (*ibid.*) and which must therefore have been made publicly, that is, in a speech delivered in the Assembly, in the council, or in a court; and any spectator who knew about the event would be merely bewildered if Dicaeopolis, in referring to it, changed its location to no particular comic purpose. Pelling cites as a parallel the satirical cliché of Margaret Thatcher's handbag; but that was funny precisely because it was self-evidently absurd to imagine that she or any other politician ever would literally use a handbag as a weapon—whereas, even on Pelling's own hypothesis, Cleon *did* sometimes make denunciations to the council.

[27] On the scope of *eisangelia* see Harrison 1971, 50–59, Rhodes 1972, 162–171, Hansen 1975, 1991, 212–218, 221–222, MacDowell 1978, 183–186.

The simplest explanation of the references in *Acharnians* and *Wasps* to action taken (or attempted or threatened) by Cleon against Aristophanes is therefore that such action was indeed taken (or attempted or threatened) on at least two occasions, once in 426 (between *Babylonians* and *Acharnians*) and once probably in 424 (between *Knights* and *Clouds*).[28] Here, however, we are confronted with another proposition widely accepted in present-day scholarship on Old Comedy: the proposition[29] that comic satire was regarded by Athenians as a matter of fantasy and 'festival licence' and was not expected to harm its ostensible targets. If this were true, a successful politician like Cleon—who, in order to be successful, would have to be sensitive to public opinion and feeling—would be unlikely to have risked making a fool of himself by taking such satire seriously, and we might after all have to conclude that the *Acharnians* and *Wasps* passages were fictitious. However, the proposition is entirely a modern construction with no support whatever in contemporary texts.

3. *Evidence about the effects of comic satire*

Since the proposition requires us to suppose that virtually nothing said in comedy is to be taken seriously, it would of course be a *petitio principii* to attempt to use comedy's own evidence to refute it; and I will also for this purpose ignore all statements made by ancient scholars commenting on comedy, except in two cases where there is good reason to believe that their ultimate source is a contemporary official document. The following, then, is the evidence that Aristophanes' contemporaries could take the view that a statement or a recommendation was not necessarily to be dismissed with a laugh merely because it had been made in a comedy.

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[28] See n.19 above. It is likely (cf. *Wasps* 1037–1042) that Aristophanes produced another play at the Lenaea of 423, two months before *Clouds*; unfortunately a key phrase in *Wasps* 1037 referring to this play is textually uncertain (μετ' αὐτοῦ 'along with him [Cleon]' codd.: μετ' αὐτόν 'after him' Bentley, possibly supported by a scholion in cod. V which says that in the play referred to Aristophanes 'did not also satirize' [οὐχ ἅμα … ἐκωμῴδησεν] Cleon). Hence while we know the poet claims that in the Lenaea 423 play he attacked malicious prosecutors (*sukophantai*), we cannot tell whether he is claiming to have done so *as well as* attacking Cleon (sc. in the same play) or *after* attacking Cleon (sc. in *Knights*). In the former case, the supposed truce will presumably have occurred after Lenaea 423; in the latter case, probably before.

[29] Most strongly affirmed and argued by Halliwell (1984; 1991; 1993, esp. 335–339).

(1) The 'Old Oligarch' ([Xen.] *Ath.Pol.* 2.18), in language that closely echoes *Acharnians*, says that the Athenians (that is, the poor who constitute the majority of the sovereign *dêmos*) 'do not allow the people to be satirized or slandered in comedy,[30] *so that they may not themselves get a bad reputation*', but are happy to allow satire on individuals because the targets are mostly 'rich or well-born or powerful'. He clearly knows Athens well, and is probably an Athenian himself, as witness his occasional lapses into the first person in speaking of the Athenian state (especially 1.12), and his remarks are nonsensical except on the assumption that a person or group that becomes a target of comic satire tends to suffer in reputation as a result.

(2) In Plato's *Apology of Socrates* (18a–19d), Socrates is made to say that before defending himself against his present prosecutors he will answer the charges brought by 'the earlier accusers', whom he fears much more because they have been influencing most of his judges 'from childhood' with their allegations that he was an inquirer into 'things in the sky and things under the earth' and one who 'made the weaker argument the stronger'. These accusers, he says, are impossible to identify 'unless one of them happens to be a comic poet'; and in fact the image of Socrates they are said to have projected is precisely that which is presented in *Clouds* (one of whose main scenes shows the personified Weaker Argument defeating the Stronger in a debate staged by Socrates for the benefit of a new pupil), and presently Socrates refers specifically to 'Aristophanes' comedy' and its Socrates who 'says he walks on air, and burbles a lot of other nonsense about things of which I don't have the slightest knowledge'. Socrates is presumably trying, within the self-imposed constraint that he must say nothing untrue or unethical, to influence the jury in his favor; Plato is presumably trying to influence his readers in Socrates' favor. Neither purpose would be served by ascribing such importance to a type of utterance that most Athenians would regard as mere absurd fantasy. And it will not do to say that when Socrates says that comedy's slanders against him are more serious than those of his present accusers, his aim is merely to belittle the latter; for what he actually says (18b) is that he fears his earlier accusers more than his present ones '*even though these too are formidable*' (καίπερ ὄντας καὶ τούτους δεινούς).

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[30] With his phrase κωμῳδεῖν … καὶ κακῶς λέγειν τὸν … δῆμον cf. *Ach.* 503 τὴν πόλιν κακῶς λέγω, 631 κωμῳδεῖ τὴν πόλιν … καὶ τὸν δῆμον καθυβρίζει.

(3) Lysias, writing a speech for a man prosecuted by the lyric poet (and minor politician) Cinesias for proposing an illegal decree, expresses amazement (fr. 53) that Cinesias should come forward as champion of the laws 'when you all know that he is the most impious and lawless of the whole human race: is he not the man who commits crimes against the gods which for most people it is disgraceful even to mention, *but which you hear about from the comic dramatists year after year?*'[31] Here the fact that comedy has accused Cinesias of crimes against the gods is itself taken as evidence that he has committed them.

(4) Some half a century later, Aeschines (1.157), prosecuting Timarchus for the offence of speaking in the Assembly when he had once been a male prostitute, contrasts him with another person of the same name, Timarchus son of Tisias, a handsome and much-courted youth who, however, Aeschines implies, so conducted himself as to be morally and socially above reproach. Referring to a recent comic performance in which mention had been made of 'big Timarchus-like whores', he claims that 'no one took this to refer to the youth, but all to you, so plain is your right to the title'. It is vitally necessary for Aeschines to establish that the accused Timarchus *is* (or at least has been) a whore; and part of his evidence for proving this is that those who hear a Timarchus described in comedy as a whore assume (so he claims) that the accused is meant. If scandalous imputations made in comedy were generally regarded as of virtually no significance, this argument would have been a serious blunder. For what it is worth, Aeschines won his case.

(5) The scholia to *Acharnians* 67, commenting on the statement by an ambassador just returned from Persia that he had been sent there 'in the archonship of Euthymenes' (in 437/6, eleven years previously), say, quite irrelevantly, that this was the year in which 'the decree about not satirizing in comedy' was repealed, having been enacted in the archonship of Morychides (440/39) and remained in force during that year and the two following.[32] There are numerous other references to

[31] Referring presumably to an alleged occasion when Cinesias had defaecated on a shrine of Hecate (Ar. *Frogs* 366, cf. *Eccl.* 330 [fourteen years later!], Strattis fr. 18)—and quite possibly to nothing else.

[32] Meaning presumably that the comedies produced in 440/39, 439/8 and 438/7 were subject to its restrictions.

alleged state decrees restricting freedom of speech in comedy,[33] but this is the only one which gives precise dates, and the only one where the context in which it is mentioned gives no ground for suspicion that the decree may have been hypothesized *ad hoc* to account for some feature of a comic text; it is likely to derive either from Philochorus' *Atthis* or from Craterus' collection of Athenian decrees.[34] It appears that in 440/39 the politician who moved the decree could plausibly claim, and the Assembly majority who voted for it could believe, that the existing freedom of comic satire was detrimental to the public interest; which implies that at that time it was widely accepted (i) that comic satire could have an influence on public affairs and (ii) that it was *not* an essential part of a religious activity, mandated by tradition, whose curtailment would be offensive to the gods.[35]

(6) Two sources (the prose Hypothesis to *Frogs* and the *Life of Aristophanes*), neither of which is dependent on the other and one of which cites the early Hellenistic scholar Dicaearchus, refer to honors awarded to Aristophanes after the performance of *Frogs*, with specific reference to the *parabasis* of the play; the *Life*, as I have shown elsewhere (Sommerstein 1993), uses the formal language of Athenian decrees, and it

[33] Most fully discussed by Halliwell 1991, 54–66, who rightly criticizes my earlier attempt (Sommerstein 1986) to defend the historicity of the 'decree of Syrakosios' posited by a scholion to *Birds* 1297 (see now, more circumspectly, Sommerstein 2002, 135–136).

[34] See Jacoby 1955a, 97; 1955b, 66–67 n.50.

[35] Such an attitude would be understandable if at the time politically-driven comic satire was something of a novelty; and our evidence, such as it is, suggests that this may well have been the case. In the surviving comic fragments, at any rate, no reference to any contemporary individual is datable before the late 440s; one of the earliest is Cratinus fr. 326 which predates, but presumably not by much, the completion of the 'middle' Long Wall, usually dated, on the rather uncertain evidence of *IG* i^3 440.127 and Andoc. 3.7, to 444–442 (cf. Meiggs 1972, 188). It is not at all unlikely that Cratinus himself was the pioneer of this kind of comedy (cf. Rosen 1988, 37–58); such is the view of *Prolegomena de Comoedia* V 1.15–19 Koster (= Cratinus test. 19 K.–A.) and perhaps also of Aristophanes (cf. *Frogs* 357). Bowie 2002, 49–50 offers against this view only the weak argument that 'we can only guess whether [Cratinus'] predecessors did or did not have [political abuse in their plays]' (if they did, it is surprising that—for instance—Plutarch, who finds so much comic material on Pericles' later years, cites none on him or on Cimon for the 450s) and the not much stronger one that according to Aristotle (*Poet.* 1449b7–9) the ἰαμβικὴ ἰδέα was (not introduced but) first abandoned by Cratinus' contemporary Crates (but even if by 'the ἰαμβικὴ ἰδέα' he means personal attacks on individuals, Aristotle could perfectly well be treating Crates as a *younger* contemporary of Cratinus, which according to our sources he was: cf. *IG* ii^2 2325.50–52; Eusebius [Hier.] years 1564, 1566 and [Arm.] years 1563, 1567; schol. Ar. *Knights* 537).

is likely that these notices go back ultimately to the text of an actual decree, probably passed in the autumn of 405, some eight months after the production of the play, when the policy, recommended in the *parabasis*, of restoring citizen rights to those who had been deprived of them after the fall of the Four Hundred in 411, was in process of being put into effect. The very possibility of such a decree shows that the public status and potential influence of the comic dramatist and his words was something quite different from that of any professional laughter-maker in modern Western culture.[36]

As against this, I know of only one piece (or perhaps two closely related pieces) of classical Athenian evidence that might be taken to suggest positively that comic satire was not generally regarded as damaging. This is the treatment of the relations between Socrates and Aristophanes in Plato's *Symposium*, whose dramatic date, fairly consistently borne in mind, is seven years after the production of *Clouds*. Agathon—who appears in the dialogue to be an excellent host—invites them both to two parties on successive nights (Socrates declined the first invitation, but only because he preferred a small party to a large one, 176a); Alcibiades quotes approvingly from *Clouds* in Socrates' presence (221b); and the dialogue ends with a glimpse of Socrates, Aristophanes, and Agathon, the only three left awake in the room, drinking together and discussing drama (223c–d). Everyone seems to behave as though Socrates could be confidently expected not to resent at all the extremely hostile portrayal of himself in *Clouds*. Even though the narrative is presumably fictional, this would be powerful evidence—if only the narrative were about someone other than Socrates. Anyone familiar with Plato's other writings would know that the Platonic Socrates was not like other Athenians in this respect: he believed it wrong to take revenge for an injury or a slight, and in any case he did not believe that it did any harm to a good man if he was falsely slandered. Nor would such a reader think it surprising that Socrates' contemporaries are presented as knowing this too. There is no inconsistency between (others' perception of) Socrates' attitude to Aristophanes in the *Symposium*, and his attitude in the *Apology*. At Socrates' trial, the circumstances were entirely

[36] The honours awarded in 283/2 to the comic dramatist Philippides (*IG* ii^2 657) are not strictly comparable, since they were given for directly political activities unconnected with his art; but it is significant that the decree provides for a bronze statue of Philippides to be erected *in the theater*.

different from what they are imagined to have been at Agathon's party seventeen years earlier: not only is Socrates now in peril of his life (about which he apparently cares little), he is also exercising what will probably be his last opportunity to influence the Athenians towards leading better and more thoughtful lives (about which he claims to care a great deal) and it is therefore crucially important for him to disabuse them, if he can, of false and damaging beliefs about himself and about philosophy.

There is therefore no reason to doubt *a priori* that most Athenians regarded comic satire as potentially damaging to its targets, and that politicians, as its most frequent and most powerful targets, might consider it worthwhile to attempt, by direct or indirect means, to put restraints on what could be said on the comic stage.

4. *Censoring Athenian comedy*

Three such attempts are reasonably well attested. The first is the decree of 440/39; the second and third are those referred to in *Acharnians* and *Wasps* respectively. In both these plays it is striking that while much is made, especially through metaphor, of the violent oratory of Cleon's denunciations, there is no mention of any court trial. If the denunciation to the council mentioned in *Acharnians* was indeed an *eisangelia*, then we can note at once that while the council could *dismiss* a denunciation, it could not *convict* the accused, unless it thought the offense was such as to warrant a penalty no heavier than a fine of 500 drachmae.[37] Had Aristophanes (or Callistratus)[38] been 'dragged' into

[37] Cf. [Dem.] 47.43.

[38] Ancient scholarship did not know which of the two was denounced on this occasion, and modern scholarship has come to no firm conclusion. Brockmann 2003 has discussed the issue exhaustively and clarified many aspects of it, with references to earlier discussions. Three considerations seem to me to make it likely that Cleon did denounce Aristophanes, whether or not he also targeted Callistratus: (i) it is utterly unrealistic (Brockmann 2003, 225–231, cf. Storey 1996, Olson 1998, xxiii, Slater 2002, 254 n.34) to suppose that Aristophanes' role in the composition of his early plays would not in practice have speedily become public knowledge, as the author himself would certainly have wished it to for the promotion of his reputation and career, and as apparently happened with his rival Platon a few years later in similar circumstances (*P.Oxy* 2737.46–47 ἕως μὲν [ἄλ]λοις ἐδίδου τὰς κωμωιδίας *εὐδοκίμει*); (ii) there are good grounds for believing that there already existed tensions within the deme of Kydathenaion between Cleon and a group including at least one known associate of Aristophanes (Lind 1990, cf. Brockmann 2003, 262–269); (iii) Cleon almost certainly did pros-

a jury-court (which might have sentenced him to death)[39] we would certainly have been told of it; so we can safely conclude that the council either dismissed the charge, or imposed a fine within the 500-drachma limit. Such a sum, though not trivial, was probably no more than the amount a comic dramatist could make by having a single play accepted for production at the Dionysia or Lenaea,[40] and either of these two possible outcomes would have been felt by Cleon as a defeat.

What of the episode described in *Wasps*? Again there is no explicit mention of a court trial, and the mention of suspicion that Aristophanes had 'come to terms' as a result of Cleon's attack on him confirms that no trial can have taken place. Once a trial had begun, it was too late to come to terms;[41] there had to be a conviction or an acquittal. However, the episode must have involved more than just 'some kind of threat' (as the scholiast puts it). The events being described took place within a space marked out by boundaries (though not completely walled off), for bystanders listening to the proceedings are described as being 'outside' (1287). Aristophanes, as well as Cleon, was expected to speak (1289); and they were speaking not, or not formally, to the public (who were

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ecute or at least threaten Aristophanes on a later occasion. In one respect the whole issue is of limited importance: Callistratus and Aristophanes were obviously friends (and continued to be collaborators in later years), and an attack on one would automatically incur the enmity of the other. There is much to be said for the suggestion of Slater 2002, 254 n. 34 that Cleon probably denounced *both* men; in that case, references to the event in *Acharnians* might well not have been clearly interpretable as pointing to one of them to the exclusion of the other. This would fit well into the complex play with multiple identities characteristic of *Acharnians*, much stressed in recent scholarship (e.g. Foley 1988, 35–43; Hubbard 1991, 41–59; Goldhill 1991, 188–201; Olson 2002, xlv–xlix, lviii–lxiii; von Möllendorff 2002, 66–70).

[39] And, in trials arising from *eisangeliai*, generally did (Hansen 1975, 35 nn. 52–53)—though in the relatively few cases where the original *eisangelia* is known to have gone to the Council (Hansen 1975, 112–120) the outcomes are almost evenly divided between death and fines.

[40] We know that dramatists were paid fees (*misthoi*) by the state (Ar. *Frogs* 367). At the dithyrambic contest in honor of Poseidon at the Peiraeus, established on the motion of Lycurgus in the 330s or 320s, there had to be at least three competitors who were guaranteed a minimum of 600 drachmae ([Plut.] *Mor.* 842a); and a fee of this general order of magnitude would be necessary for fifth-century dramatists too, if they were to make a living out of a maximum of two major and a few minor productions annually. It may be presumed that when a dramatist did not produce his own play (or, equivalently, when a producer staged someone else's script) the team would make a private arrangement to share the fee in an agreed proportion.

[41] Although, once a defendant had been convicted, it was possible, in cases where the penalty was not fixed by law, for prosecutor and defendant to come to an agreement on the penalty and withdraw the issue from the jury.

watching and listening from 'outside') but to some authority (though not a jury) that was hearing them with a view to making a decision of some kind in a dispute between them. This picture corresponds best to the preliminary hearing (*anakrisis*) by a magistrate of a case that would later go (unless rejected by him, or withdrawn by its initiator) to the court over which he presided; at the *anakrisis* either party could put questions to the other which he was required by law to answer,[42] and the language of 1284–1289 would suit well a hostile cross-examination of Aristophanes by Cleon. Aristophanes, seeing (he says) that he had little public support, 'played a trick' on Cleon by pretending to 'come to terms', but has 'now' revealed his deception, presumably by the renewal of full-scale satire on Cleon in *Wasps*. In other words, after the *anakrisis* there had been a private meeting between Aristophanes and Cleon,[43] at which Aristophanes had promised to moderate his attacks on Cleon in future (without perhaps ever meaning to keep his promise longer than necessary) and in return Cleon had agreed that he would withdraw the prosecution.[44]

[42] Isaeus 6.12. It is significant that the literal meaning of *anakrisis* is 'interrogation' (cf. Thuc. 1.95.3, Pl. *Smp.* 201e, Dem. 57.66).

[43] Compare the two fourth-century cases involving Stephanus of Eroiadai narrated in [Dem.] 59.50–54, 64–71, in both of which a prosecution is withdrawn as the result of a private, unwitnessed agreement between prosecutor and defendant (as usual, we cannot tell whether the speaker's narrative is *true*, but it must at least have been *credible*). In the first case, after Phrastor had divorced his wife Phano (who may or may not have been Stephanus' daughter) and refused to return her dowry, Stephanus brought a *dikê sitou* claiming interest on the dowry, and Phrastor countered by prosecuting Stephanus for betrothing Phano to him under the false pretence that she was of citizen birth; the two men came to terms and both cases were withdrawn—but there was no record of the agreement, and the only witness called to confirm it is Phrastor himself. In the second case, Stephanus caught Epaenetus of Andros in bed with Phano, imprisoned him as a seducer and then released him against an undertaking (backed by sureties) to pay a ransom; Epaenetus thereupon prosecuted Stephanus for false imprisonment, claiming that Phano was not Stephanus' daughter and was to all intents and purposes a prostitute managed by her mother. Stephanus then agreed (§§68–69) that if Epaenetus withdrew his prosecution, the dispute over the ransom would thereafter be submitted to arbitration. The arbitrators, rather than making a decision on their own authority, brokered a settlement between the disputants, and they are called to testify to its terms. Neither their statement in evidence, nor the document embodying the agreement they oversaw, makes any reference to the withdrawal of Epaenetus' prosecution, which confirms that, as stated in §69, it had been withdrawn before the arbitrators were called in; nor does anyone testify to the agreement described in §§68–69 (not even, this time, Epaenetus himself; perhaps he was out of the country, cf. Carey 1992, 121).

[44] In the 340s and later we know that it was a punishable offense to abandon a public prosecution, at least a *graphê* or a *phasis* ([Dem.] 58.6). There are, however, several cases of prosecutions being withdrawn apparently without penalty, some of

If Aristophanes was prepared to make such a promise, even insincerely, to avoid a trial, the charge must have been quite a serious one; and this leads us to consider the statements already referred to, in schol. *Ach.* 377 (**2**) and in the *Life of Aristophanes* (**8**), that Cleon prosecuted Aristophanes for *xenia*. The scholion, to be sure, speaks of a trial, and the *Life* seems to assume one, but that might merely be a natural but mistaken inference from the fact of a prosecution. And certainly *xenia* was a serious enough charge (the penalty on conviction was sale into slavery),[45] and in view of Cleon's supposed influence over the jury-courts (doubtless much exaggerated in *Knights* and *Wasps*—but there must have been at least a current belief to this effect, since the idea is one with which the audience are expected to be familiar) even an innocent defendant accused by him might well be only too willing to avoid the risk of trial.

However, while Dover (1968, xx) is right to remind us that 'the adage that there is no smoke without fire is not applicable to the Athenian law courts', it is surely significant that in *Wasps*, in contrast with *Acharnians*, no claim is made that the accused was innocent or that the charges against him were false, and the picture we are given of his being roughly handled in cross-examination and gaining little public sympathy strongly suggests that he had at least a substantial case to answer. In view of this it might be thought surprising that Cleon should be willing to come to terms, but his course of action would make sense if he was aiming all along to intimidate the dramatist rather than punish him.[46] He could do this by initiating a prosecution, either on a charge which automatically carried a grave penalty such

them from the 340s or later (e.g. Dem. 21.39, Dein. 1.94; the two cases cited in the previous note probably date from 360–350 BCE), and Harris 1999 has argued from strong lexical and other evidence (see already Carey 1992, 114) that the law in question penalized only *defaulting* on a prosecution, i.e. aborting it by failing to attend the *anakrisis* (or—presumably, though no actual case is known—the trial): its effect would be that anyone wishing to withdraw a prosecution had to do so formally before the presiding magistrate and in the presence of his opponent, so that the magistrate could question the parties and satisfy himself that there was no corruption or collusion (Harris 1999, 142). Even in this form the law may have been of relatively late origin: no one is known to have been punished under it before c. 350 (Dem. 21.103, [Dem.] 58.8). I am most grateful to Prof. Harris for furnishing me with a copy of his paper.

[45] Dem. *Ep.* 3.29 (cf. Plut. *Phoc.* 21.2); hyp. Dem. 57; D.H. *Isaeus* 4.16.4.

[46] In the same way as Socrates' accusers in 399 almost certainly expected him to go into exile and let himself be convicted *in absentia*, and proposed the death penalty to 'encourage' him to take this course; cf. Pl. *Ap.* 29c, *Crito* 45e.

as enslavement or death, or on an 'assessable' charge[47] on which he would propose the death penalty, but either way a charge for which he could make out a colorable case; his victim could be expected either to go into exile (cf. *Knights* 698–699, *Wasps* 1231) or to seek an accommodation (as in fact he seems to have done).

Whether the charge was in fact one of *xenia* we cannot tell; but some ancient scholars were clearly convinced that Aristophanes *was* at some time charged with this offense, because they devoted considerable energy to seeking evidence that might support it, and to conjecturing where Aristophanes' family might have come from if he was not of wholly Athenian descent. Most often, as the *Life* shows, they fixed on the reference to Aegina in *Ach.* 652–654; but even if that does relate to Aristophanes rather than Callistratus (see n. 38), he would hardly have wished to draw special attention to his connection with Aegina, at a time when he was already at feud with Cleon, if it was capable of being used in any way to impugn his citizen status,[48] and it can therefore indicate no more than that the person referred to was one of the many Athenians who now resided or owned land on the island as cleruchs or otherwise.[49] Elsewhere we find it stated that Aristophanes was a Rhodian, either from Lindus (**8** and *Suda* α3932) or from Cameirus (*Suda loc.cit.*), or that he was an Egyptian (*ibid.*)—from Naucratis, according to Heliodorus *FGrH* 373 F 4.[50]

In addition to these desperate later attempts to find some foreign origin or other for Aristophanes, there is also some evidence that his

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[47] An 'assessable' case (*agôn timêtos*) was one in which the penalty was not fixed by law but was assessed by the jury, who made a forced choice between prosecution and defense proposals.

[48] This refutes the suggestion of van Leeuwen 1888, 273, developed by Figueira 1991, 79–93 and cautiously approved by Brockmann 2003, 186, 188, that Aristophanes was descended from the Aeginetan refugees who were settled at Sunion in the 480s (Hdt. 6.90.1). To be sure, if Aristophanes had *already* been prosecuted for *xenia* and acquitted (as is argued by Brockmann 2003, 186–194), he could subsequently have referred to his Aeginetan connections with impunity, since he could not be tried again for the same offence; but if he had been tried before a jury in 426 on this or any other charge, we would surely have heard of it in *Acharnians* (see pp. 159–160).

[49] This is the view of the scholia *ad loc.*, though they disagree as to whether Aristophanes or Callistratus is being spoken of.

[50] Kassel & Austin 1984, 8 see this as derived from a wild attempt, found in the scholia to *Clouds* 272, to 'explain' the mention of the Nile in that verse as due to the poet's supposed local knowledge; but why should even the wildest of commentators pick on this among the many passages in which Aristophanes refers to foreign places, unless he was already aware from another source of a theory that Aristophanes was of Egyptian origin?

credentials as an Athenian were indeed questioned by contemporaries. In the *parabasis* of an unidentifiable comedy by Eupolis (fr. 392) there is a complaint that the Athenians 'say that foreigners are skilful poets' and that Athenian citizens who try their hand at poetry are regarded as insane. Now as a general statement about Athenian attitudes to poetry this is absurd. In particular, in tragedy—the most prestigious branch of contemporary poetry—the Dionysia prize was nearly always awarded to an Athenian.[51] Eupolis' complaint is therefore likely to refer only to the particular branch of poetry in which the chorus, and the author, are specially interested, namely comedy. 'Foreign' poets, it is complained, are winning favor at the expense of genuine Athenians (such as Eupolis, evidently). It is of course possible that this might refer to a comic dramatist other than Aristophanes, but there are no plausible candidates whose careers overlapped that of Eupolis.[52] It is thus likely that there was *something* about Aristophanes' background that made it possible to cast doubt on his entitlement to citizenship. We cannot tell what that something was,[53] but it could easily have been enough, with Cleon as prosecutor and his freedom at stake, to deter Aristophanes from running the risk of conviction—while at the same time not being enough to persuade Cleon that the prospects of success justified risking the humiliation of a second failure.

If this is so, the history of attempts to coerce or constrain comedy and comedians in the fifth century seems capable of being formulated as a unidirectional trend—and it is not, as ancient scholars thought, a trend of increasing but of *decreasing* stringency and effectiveness. First, in 440/39, a decree is passed that imposes a general prohibition on a certain form or forms of comic satire; it remains in force for three years, is then repealed, and nothing of the kind is ever tried again. The next

[51] Though four non-Athenians are reported to have won victories during the fifth century (Kaimio 1999, 54–55 mentions Pratinas, Aristarchus and A{r}chaeus; add Ion, cf. schol. Ar. *Peace* 835); and in the other main Dionysian genre, dithyramb, non-Athenian poets outnumber Athenian (Kaimio 1999, 59–60).

[52] *Alcaeus* is described by the *Suda* as 'Mytilenean, afterwards Athenian', but this is likely to be due to confusion with his famous lyric namesake; in any case his only datable play belongs to 388 and he is not known ever to have won a first prize. *Diocles* ('Athenian or Phliasian' in the *Suda*) is also latish (according to the same source, a contemporary of Sannyrion and Philyllios) and has no known victories. *Hegemon* of Thasos appears to have competed only once, at most, in the Athenian comic contests (Polemon *apud* Ath. 699a). No other comic dramatist active in the last three decades of the fifth century is described in any source as anything but an Athenian.

[53] Except that it was probably *not* his connection with Aegina (cf. n. 48 above).

attempt comes, perhaps significantly, two or three years after the death of Pericles, who may have been deterred from taking such action himself by the memory of an earlier failure:[54] Cleon, instead of introducing a new decree, tries to argue that certain comic utterances are punishable under the already existing law. In this he fails, and again attempts of this kind are not renewed. Aristophanes is emboldened to launch, in *Knights*, an onslaught against Cleon of unprecedented virulence, which Cleon feels he cannot ignore without disgrace; but this time he does not indict the comic utterance itself at all—instead he proceeds against its author on a charge that ostensibly is quite unrelated. He imagines that now he has forced the poet, if not into silence, at any rate into moderation—but in *Wasps* the poet double-crosses him, and adds insult to injury by openly glorying in having done so. Cleon might perhaps have tried yet another tack—but that summer he was killed, and once again no other politician followed his example, not even Hyperbolus in the days when almost every comic competition contained at least one play directed against him. All that we hear of, from then on—if we can leave aside the dubiously attested decree of Syracosius—is a reduction in poets' honoraria, effected or at least proposed in or about 406 (Ar. *Frogs* 367–368; Plato com. fr. 141; Sannyrion fr. 9); and while the comic dramatists not surprisingly regarded this as an attack upon themselves, it could undoubtedly be justified as a necessary and fair economy measure at a time of great financial stringency.[55] So far as we can tell, from 422 to 322 BCE[56] no attempt was made to limit comedy's freedom of satire either by new legislation or by the creative application of existing law. To be sure, when a law was enacted prohibiting disparaging reference to citizens working in the agora, comedy conformed with its provisions just as Assembly and lawcourt speakers did; but there is no reason to believe that this law was specifically directed against, or specifically provoked by, words uttered on the comic stage. In the third quarter of the fourth century, the dramatist Timocles was able to write comedies of Aristophanic inspiration and high political content in which Demosthenes, Hyperides, and other leading political figures were repeatedly

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[54] For Pericles as the likely inspirer of the decree of 440/39 cf. Wallace 1994, 114; Sommerstein 2002, 132.

[55] Particularly if it applied to tragic and dithyrambic as well as comic poets—and there is no evidence that it did not.

[56] Except possibly during periods of oligarchy—but the Four Hundred, at any rate, never had the chance to control any celebrations of the Lenaea or City Dionysia, and we have no information at all regarding any action taken on this subject by the Thirty.

targeted,[57] and to do so with impunity. It is only with Athens' loss of democracy and independence in 322 that comedy's fangs are finally drawn: thereafter political figures are attacked in comedy only if they are unable to hit back—that is, if they are neither in Athens nor in control of Athens.

5. *Conclusion*

This history enables us to refine the conclusion I reached at the end of my recent article (Sommerstein 2002, 145), that 'neither in theory nor in practice was comedy above the law: its freedom of speech was no greater and no less than that of every Athenian'. I would still maintain this, but there is more that can be said.

First, vituperation in comedy, *from the victim's point of view*, was in a different category from vituperation in public speech in Assembly or lawcourt. In particular, it was uttered before a vastly larger audience than anyone could hope to address on any other occasion. A politician insulted by another politician could pay him back in his own coin, in the same or a similar forum: a politician insulted by a comic dramatist could not. It might well seem an attractive alternative to seek ways to silence the satirist.

But second, when politicians did try to do this, they repeatedly failed. The decree of 440/39 was repealed within three years; the attempted prosecution after *Babylonians* was either thrown out or resulted in a modest and ineffective fine; and when Cleon tried again, he did not feel confident enough of success to reject a compromise that guaranteed him nothing. The *law* gave comedy no special protection; but *public opinion*, it was now discovered, or at least a substantial proportion of it that could not be disregarded even by a leader as powerful as Cleon, believed that attempts, by direct or indirect means, to silence its voice were unacceptable, at least so long as no accusation was made of

[57] His titles included *Demosaturoi* (i.e. 'satyr-like politicians'), *Dionusiazousae*, *Dionysus* (the title of two Aristophanic plays; cf. also *Frogs*), *Heroes* (another Aristophanic title), *Centaurus* (ditto), *Conisalus* (a priapic divinity), *Orestautokleides*, and *Philodikastes* (cf. Ar. *Wasps*). His *kômôdoumenoi* (in fragments totalling less than 200 lines) include ten Athenians known to have been active in public life (in the far more extensive fragments of Antiphanes and Alexis the corresponding figures are two and four respectively), six of whom (including Demosthenes and Hypereides) are not known to have been mentioned by any other comic dramatist.

violating a specific and explicit law (such as those which prohibited the insulting of magistrates when acting in their official capacity,[58] or the making of false public allegations of murder). I wrote in my earlier paper[59] that 'if there were any sort of general cultural understanding that comic words ought not to be treated as subject to the law, Pericles in 440 and Cleon in 426 would only have been making themselves even more ridiculous'. It would be more accurate to say that it was only the repeal of Pericles' decree (if it was his) in 437/6 and, more decisively, the failures of Cleon in 426 and 424 that made it evident to politicians that a 'general cultural understanding' had grown up that comic utterance deserved a degree of protection. This protection did *not* amount to placing comedy in any sense above the law: only to an insistence that comedy's privileged access to a vast (and, at the City Dionysia, an international) audience did not require it to be held to any *higher or more restrictive* standards than the law imposed on all alike.[60] And while the classical Athenian democracy lasted, it never was so held.[61]

Appendix: ancient sources for the alleged prosecutions[62]

(1) αὐτός τ' ἐμαυτὸν ὑπὸ Κλέωνος ἅπαθον
ἐπίσταμαι διὰ τὴν πέρυσι κωμῳδίαν.
εἰσελκύσας γάρ μ' εἰς τὸ βουλευτήριον
διέβαλλε καὶ ψευδῆ κατεγλώττιζέ μου
κἀκυκλοβόρει κἄπλυνεν, ὥστ' ὀλίγου πάνυ
ἀπωλόμην μολυνοπραγμονούμενος.

[58] Cf. Sommerstein 2002, 128–129, 138–141. There is no need, and no reason, to believe that Aristophanes broke this law in *Babylonians*; if what was said in that play about 'sortitive and elective magistrates' was something like what I suggested in n. 12 above, it involved no accusation against any identifiable individual and therefore it would be impossible to take action on it. Nor did Cleon do so; he preferred the more vague charge of slandering *the city*.

[59] Sommerstein 2002, 137.

[60] In contrast with modern practice, where it is almost universally regarded as proper to impose special restrictions on what may be said or shown in such media as radio, television, and film by which a very large number of persons, of all ages, can potentially be reached by a single transmission.

[61] I am most grateful to Ralph Rosen and Ineke Sluiter for allowing me to contribute to the book of a conference that I was not able to attend, and for their comments on an earlier version.

[62] All translations are mine. Those of Aristophanic passages are based on my Aris & Phillips versions (Sommerstein 1980, 1983).

And I know about myself, what I suffered at Cleon's hands because of last year's comedy. He dragged me into the council chamber and began slandering me, telling glib-mouthed lies about me, roaring at me like the torrent Kykloboros, trampling me with abuse, so that I very nearly perished in a sewer of troubles. *Acharnians* 377–382

(**2**) τοὺς Βαβυλωνίους λέγει. τούτους γὰρ πρὸ τῶν Ἀχαρνέων Ἀριστοφάνης ἐδίδαξεν, ἐν οἷς πολλοὺς κακῶς εἶπεν. ἐκωμῴδησε γὰρ τάς τε κληρωτὰς καὶ χειροτονητὰς ἀρχὰς καὶ Κλέωνα, παρόντων τῶν ξένων. καθῆκε γὰρ δρᾶμα τοὺς Βαβυλωνίους ἐν τῇ τῶν Διονυσίων ἑορτῇ, ἥτις ἐν τῷ ἔαρι ἐπιτελεῖται, ἐν ᾧ ἔφερον τοὺς φόρους οἱ σύμμαχοι. καὶ διὰ τοῦτο ὀργισθεὶς ὁ Κλέων ἐγράψατο αὐτὸν ἀδικίας εἰς τοὺς πολίτας, ὡς εἰς ὕβριν τοῦ δημοῦ καὶ τῆς βουλῆς ταῦτα πεποιηκότα, καὶ ξενίας δὲ αὐτὸν ἐγράψατο καὶ εἰς ἀγῶνα ἐνέβαλεν.

He means the *Babylonians*; for Aristophanes produced this before the *Acharnians*, and in it he slandered many persons; for he satirized the magistrates, both those chosen by lot and those chosen by vote, and Cleon, in the presence of foreigners. For he staged a play, the *Babylonians*, at the festival of the Dionysia, which is held in spring, when the allies brought their tribute. And Cleon, being angered because of this, indicted him for wronging the citizenry, on the ground that he had done these things [*or* composed these verses] to insult the people and the council, and he also indicted him for *xenia* and brought him to trial.[63]

Scholia to *Acharnians* 378[64]

(**3**) οὐ γάρ με νῦν γε διαβαλεῖ Κλέων ὅτι
ξένων παρόντων τὴν πόλιν κακῶς λέγω.
αὐτοὶ γάρ ἐσμεν οὑπὶ Ληναίῳ τ' ἀγών,
κοὔπω ξένοι πάρεισιν.

For *now* Cleon will not allege against me that I am slandering the city in the presence of foreigners; for we are by ourselves and it's the Lenaean competition, and there are no foreigners here yet.

Acharnians 502–505

(**4**) διαβαλλόμενος δ' ὑπὸ τῶν ἐχθρῶν ἐν Ἀθηναίοις ταχυβούλοις,
ὡς κωμῳδεῖ τὴν πόλιν ἡμῶν καὶ τὸν δῆμον καθυβρίζει,
ἀποκρίνασθαι δεῖται νυνὶ πρὸς Ἀθηναίους μεταβούλους.

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[63] Another scholion on 378, preserved in very fragmentary form in a papyrus of the third century CE (*P.Oxy* 856; see Wilson 1975, vii), also refers to *Babylonians* and says that someone (we do not know whether it named Aristophanes or Callistratus) 'successfully defended a lawsuit brought by Cleon' (ὑπὸ Κλέωνος δίκην ἔφυ[γε).

[64] The substance of this is repeated, with somewhat less detail but no inconsistency of content, in scholia on *Ach.* 503 and 504.

Having been traduced by his enemies before the Athenians, ever quick to make up their minds, as one who ridicules our city and insults our people, he[65] now desires to make his reply before the Athenians, ever ready to *change* their minds. *Acharnians* 630–632

(5) προὸς ταῦτα Κλέων καὶ παλαμάσθω
καὶ πᾶν ἐπ' ἐμοὶ τεκταινέσθω.
τὸ γὰρ εὖ μετ' ἐμοῦ καὶ τὸ δίκαιον
ξύμμαχον ἔσται, κοὐ μή ποθ' ἁλῶ
περὶ τὴν πόλιν ὢν ὥσπερ ἐκεῖνος
δειλὸς καὶ λακαταπύγων.

So let Cleon contrive, let him devise what he will against me; for right and justice will be my allies, and never shall I be convicted[66] of being, as he is, a cowardly and right buggerable citizen. *Acharnians* 659–664

(6) εἰσί τινες οἵ μ' ἔλεγον ὡς καταδιηλλάγην,
ἡνίκα Κλέων μ' ὑπετάραττεν ἐπικείμενος
καί με κακίσας ἔκνισεν· κᾆθ', ὅτ' ἀπεδειρόμην,
ἐκτὸς ἐγέλων μέγα κεκραγότα θεώμενοι,
οὐδὲν ἄρ' ἐμοῦ μέλον, ὅσον δὲ μόνον εἰδέναι
σκωμμάτιον εἴ ποτέ τι θλιβόμενος ἐκβαλῶ.
ταῦτα κατιδὼν ὑπό τι μικρὸν ἐπιθήκισα·
εἶτα νῦν ἐξηπάτηκεν ἡ χάραξ τὴν ἄμπελον.

There are some who said of me that I'd come to terms—that time when Cleon attacked me and harried me a bit and stung me with abuse, and then when I was being flayed they laughed outside to see him[67] shouting so loud, evidently not caring at all for me, but just wanting to know whether I was going to let out a bit of a joke if sufficiently squeezed. Seeing this, I played a bit of a small trick; and then today the stake let down the vine! *Wasps* 1284–1291

(7) **1284** *εἰσί τινες*· ἄδηλον, πότερον τῆς Καλλιστράτου εἰς τὴν βουλὴν εἰσαγωγῆς καὶ νῦν μιμνῄσκεται, ὅτι αὐτὸν Κλέων εἰσήγαγεν, ἢ ἑτέρας κατ' αὐτοῦ γενομένης Ἀριστοφάνους, εἰ μὴ ⟨οὐκ⟩ εἰσαγωγῆς, ἀλλὰ ἀπειλῆς τινος, ὅπερ καὶ μᾶλλον ἐμφαίνεται. ἐκεῖνά τε γὰρ ἀναπολεῖν ἀρχαιότερα ἔσται νῦν τε ὡς περὶ αὐτοῦ λέγει.

1285 *ἡνίκα Κλέων*· ἐπέκειτο γὰρ αὐτῷ ὁ Κλέων, ὅτι ἐκωμῳδεῖτο ὑπ' αὐτοῦ· ἄδηλον δέ, εἰ μετὰ τὸ διδάξαι τοὺς Ἱππέας λέγει.

[65] viz. 'our producer' (ὁ διδάσκαλος ἡμῶν, 628).

[66] The Greek word is the regular term used to refer to a person being convicted in a court trial.

[67] Or possibly 'me'—though Ar. elsewhere uses the verb κέκραγα 'shout, bawl' and its derivatives some dozen times with reference to Cleon, and never with reference to himself.

1290a ἰδὼν ὅτι βοηθεῖν οὐδείς, γελάσαι δὲ μόνον σπεύδουσιν, ἐπιθήκισα καὶ ὑπῆλθον αὐτόν.

1290b *ὑπό τι μικρὸν ἐπιθήκισα·* ταῦτα ἐννοῶν, φησίν, ὅτι τύπτομαι ὑπ' αὐτοῦ καὶ οὐδενὶ μέλει, μικρὸν αὐτὸν ἐκολάκευσα.

1291 'νυνὶ δὲ ἠπάτησα ὑπὲρ τοῦ ποιῆσαι λέγεσθαι τὰς κωμῳδίας.' ἐψηφίσατο γὰρ ὁ Κλέων μηκέτι δεῖν κωμῳδίας ἐπὶ θεάτρων εἰσάγεσθαι, ὅτι δὴ ξένων παρόντων πολίτας ἔσκωπτον.

1284 *There are some:* it is unclear whether he is again referring to the time when Callistratus was brought before the council[68] (note that it was Cleon who brought him before it), or to another ⟨occasion when action was taken⟩ against Aristophanes himself—unless it was not a matter of actually bringing him before ⟨a tribunal⟩ but of some kind of threat, which indeed seems more likely; for it would be rather out-of-date to bring those ⟨old⟩ matters up again, and here he speaks as if about himself.[69]

1285 *the time when Cleon …:* for Cleon attacked him because he was satirized by him; but it is not clear whether he is talking about ⟨something that happened⟩ after the production of the *Knights*.[70]

1290a Seeing that no one was eager to help, but only to laugh, I played a trick and beguiled him [*or* sought his favour].

1290b *I played a bit of a small trick:* perceiving this, he says, namely that I was being struck[71] by him and nobody cared, I sucked up to him a little.

1291 'But now I have deceived him about being said to have composed comedies'.[72] For Cleon had voted [*sic*][73] that comedies should no longer be presented before audiences, because they mocked citizens in the presence of foreigners. Scholia on *Wasps* 1284–1291

68 i.e. to the event referred to in *Acharnians*, here assumed to have involved Callistratus rather than Aristophanes.

69 The last clause ought to imply that the scholiast believed that *Wasps* had been produced by Aristophanes himself. The ancient headnote (Hypothesis) to the play says it was produced by Philonides, but this has often been doubted for other reasons (e.g. MacDowell 1971,124).

70 And it is not clear, either—at least not from this sentence alone—whether the possibility being envisaged by the scholiast is that *Cleon's* attack followed *Knights*, or that the satirical attacks *by Aristophanes*, which provoked Cleon to respond, occurred in plays later than *Knights*; see p. 151 and nn.14, 19, 28 above.

71 The scholiast takes the metaphorical language of the text literally.

72 A clumsy and almost unintelligible expression. Should λέγεσθαι be deleted, giving the sense 'about composing comedies', which at least makes sense and is consistent with the assumptions of the following sentence?

73 If the scholiast was thinking clearly, he probably wrote not ἐψηφίσατο 'voted' but something like ψήφισμα εἰσήνεγκε 'introduced a decree'; but he may not have been thinking clearly.

(**8**) ὕστερον δὲ καὶ αὐτὸς ἠγωνίσατο· διεχθρεύσας δὲ μάλιστα Κλέωνι τῷ δημαγωγῷ καὶ γράψας κατ' αὐτοῦ τοὺς Ἱππέας, ἐν οἷς διελέγχει αὐτοῦ τὰς κλοπὰς καὶ τὸ τυραννικόν, οὐδενὸς δὲ τῶν σκευοποιῶν τολμήσαντος τὸ πρόσωπον αὐτοῦ σκευάσαι δι' ὑπερβολὴν φόβου, ἅτε δὴ τυραννικοῦ ὄντος, μηδὲ μὴν ὑποκρίνασθαί τινος τολμῶντος, δι' ἑαυτοῦ ὁ Ἀριστοφάνης ὑπεκρίνατο αὐτοῦ τὸ πρόσωπον μίλτῳ χρίσας, καὶ αἴτιος αὐτῷ γέγονε ζημίας πέντε ταλάντων, ἃ ὑπὸ τῶν ἱππέων κατεδικάσθη, ὥς φησιν ἐν Ἀχαρνεῦσιν·

ἐγῷδ ', ἐφ' ᾧ γε τὸ κέαρ ηὐφράνθην ἰδών,
τοῖς πέντε ταλάντοις οἷς Κλέων ἐξήμεσεν.

διήχθρευσε δὲ αὐτῷ ὁ Ἀριστοφάνης ἐπειδὴ ξενίας κατ' αὐτοῦ γραφὴν ἔθετο, {καὶ} ὅτι ἐν δράματι αὐτοῦ Βαβυλωνίοις διέβαλε τῶν Ἀθηναίων τὰς κληρωτὰς ἀρχὰς παρόντων ξένων. ὡς ξένον δὲ αὐτὸν ἔλεγε, παρόσον οἱ μὲν αὐτόν φασιν εἶναι Ῥόδιον ἀπὸ Λίνδου, οἱ δὲ Αἰγινήτην, στοχαζόμενοι ἐκ τοῦ πλεῖστον χρόνον τὰς διατριβὰς αὐτόθι ποιεῖσθαι, ἢ καὶ ὅτι ἐκέκτητο ἐκεῖσε· κατά τινας δέ, ὡς ὅτι ὁ πατὴρ αὐτοῦ Φίλιππος Αἰγινήτης. ἀπολυθῆναι δὲ αὐτὸν εἰπόντα ἀστείως ἐκ τῶν Ὁμήρου ταῦτα·

μήτηρ μέν τ' ἐμέ φησι τοῦ ἔμμεναι, αὐτὰρ ἔγωγε
οὐκ οἶδ '· οὐ γάρ πώ τις ἑόν γόνον αὐτὸς ἀνέγνω.

δεύτερον δὲ καὶ τρίτον συκοφαντηθεὶς ἀπέφυγε, καὶ οὕτω φανερὸς κατασταθεὶς πολίτης κατεκράτησε τοῦ Κλέωνος· ὅθεν φησίν·

αὐτὸς δ' ἐμαυτὸν ὑπὸ Κλέωνος ἅττ' ἔπαθον
ἐπίσταμαι δή

καὶ τὰ ἑξῆς.

Later he competed in person.[74] Being particularly hostile to Cleon the demagogue, he wrote against him the *Knights*, in which he exposes his thefts and his dictatorial attitude. None of the property-makers dared to make a mask of him [Cleon] because of their immense fear[75] (given his tyrannical nature), nor did anyone dare to act the part, so Aristophanes acted it in person, smearing his face with vermilion,[76] and was responsible for a fine of five talents to which [Cleon] was condemned by the action of the Knights, as he says in *Acharnians*: 'I know—something I rejoiced in my heart to see: the five talents that Cleon coughed up'.[77] Aristophanes was at enmity with him because he had laid an indictment for *xenia* against him, because in his play *Babylonians*, in the presence of foreigners, he had slandered the Athenian magistrates chosen by lot. He [Cleon] claimed that he [Aristophanes] was a foreigner, inasmuch as

[74] The writer, or rather the commentator on *Knights* who is his source (see below), has confused competing *as a producer* (which Aristophanes did for the first time with *Knights*) with competing *as an actor* (which there is no good evidence that he ever did).

[75] See *Knights* 231–232.

[76] So a scholion on *Knights* 230.

[77] *Acharnians* 5–6 (but this play was produced a year before *Knights*!).

some say that he was a Rhodian from Lindos, others an Aiginetan, inferring this from his having spent most of his time there or even because he had acquired property there—or according to some, because his father Philippus was an Aeginetan.[78] And ⟨they say⟩ that he was acquitted after wittily quoting this from Homer:[79] 'My mother says that I am his child, but I myself do not know: no one has ever known his own paternity at first hand'.

He was maliciously accused a second and a third time, and acquitted, and thus was established as manifestly a citizen and triumphed over Cleon; whence he says 'And I certainly know about myself, the things I suffered at Cleon's hands',[80] and so on.

Life of Aristophanes (*Ar. test.* 1.10–29 K–A)

(**9**) κατηγορήσαντος … τοῦ Κλέωνος Ἀριστοφάνους ὕβρεως, ἐτέθη νόμος μηκέτι ἐξεῖναι κωμῳδεῖν ὀνομαστί

After Cleon had accused Aristophanes of *hubris*, a law was made that it should no longer be permitted to satirize people in comedy by name.

Scholia to Aelius Aristides 3.8 = Ar. test. 26 K–A

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[78] The writer's language, if taken strictly, would mean that these conflicting hypotheses were all based on solid evidence that Aristophanes was associated with Aegina by residence, property or descent. In fact they are probably based exclusively on *Ach.* 652–654, where it is presupposed that if the Athenians give up possession of Aegina they will also lose 'this poet'.

[79] *Odyssey* 1.215–216.

[80] *Ach.* 377–378 (which, as my translation here indicates, the writer has misquoted at two points at least).

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CHAPTER EIGHT

MAKING WORDS COUNT: FREEDOM OF SPEECH AND NARRATIVE IN THUCYDIDES

Emily Greenwood

1. *Introduction*

> Writers and politicians are natural rivals. Both groups try to make the world in their own images; they fight for the same territory. And the novel is one way of denying the official, politicians' version of the truth.[1]

Salman Rushdie might seem an unlikely successor to Thucydides, but his understanding of historiography is not so dissimilar. The above quotation is taken from an essay in which Rushdie reflects on his own creative account of the history of post-independence India in the novel *Midnight's Children*,[2] a novel which satirized and contradicted many of the versions of history sponsored by the Indian state ('state truths'). Rushdie mobilizes a quotation from the Czech novelist Milan Kundera (a victim of censorship under the Soviet socialist regime in Czechoslovakia) as a way of defining his vision of the novel as a text that can offer a rival version or description of reality to that espoused by the state: 'The struggle of man against power, is the struggle of memory against forgetting'.[3]

Granted, Thucydides did not hold himself out as a novelist who revelled in the creative powers of fiction—quite the contrary. However, the idea of rivalry over the truth is fundamental to Thucydides' *History*. Thucydides himself introduces the image of the *agôn* at 1.22.4, and although he seems to pour scorn on the model of competitive rivalry, in

[1] Rushdie 1991, 14.

[2] I cite a couple of examples of Rushdie's self-conscious historiography in this novel that could stand as an ironic commentary on aspects of Thucydides: 'Sometimes legends make reality, and become more useful than the facts' (1995, 47)—compare Thucydides' 'correction' of the popular account of the tyrannicides (1.20.2–3, and 6.54.1–59.4). 'No, that won't do, I shall have to write the future as I have written the past, to set it down with the absolute certainty of a prophet' (1995, 462)—compare Thucydides 1.22.4.

[3] The quotation comes from Kundera's novel *The Book of Laughter and Forgetting* (1996), where it is spoken by the character Mirek.

effect he awards himself the ultimate literary and historical prize: 'this [text] is established to listen to as a possession for all time, as opposed to a competition piece for the moment'.[4]

It is in relation to this idea of the rivalry between different versions of the past that I want to explore the issues of freedom of speech and narrative in Thucydides' *History*. The freedoms of speech espoused by Athenian democracy are well documented, but relatively little attention has been given to the status of the written word in this discussion. In part, this omission may be due to the fact that the freedom or unfreedom of the 'written word' tends to fall under the topic of censorship, and instances of censorship in ancient Athens have been notoriously hard to identify and interpret.[5] Nevertheless, the neglect of the written word is a significant oversight and threatens to skew our understanding of freedom of speech in ancient Athens. Democratic Athens may have championed *isêgoria* and *parrhêsia*, but it was also a political culture that was biased against the written word. Musing about the absence in the surviving literary sources of a democratic theory of democracy, Nicole Loraux concluded that 'only speech enjoyed the freedom of Athens in the political sphere', hence democratic politicians conducted politics and political theorizing orally and ignored the medium of writing.[6] In Plato's *Phaedrus*, Phaedrus alleges that the most eminent and powerful individuals in Greek city states are ashamed to write speeches or to leave writings behind, fearing to be called 'sophists' by posterity (*Phaedrus* 257d4–8). This antagonism between the spoken and the written word is fundamental for any understanding of Thucydides' historiography.

As the fourth-century politician Demosthenes put it, Athens was a constitution based on speeches (*politeia en logois*).[7] But this statement itself points to a potential weakness in Athenian speech culture. As well as meaning a speech, *logos* could also denote language and words in general—both spoken and written. The most natural interpretation of Demosthenes' statement is, indeed, that Athenian politics are grounded in the *spoken* word, and consequently a corrupt orator such as Aeschines can set the constitution awry by abusing speech. However, albeit to a

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[4] 1.22.4: κτῆμά τε ἐς αἰεὶ μᾶλλον ἢ ἀγώνισμα ἐς τὸ παραχρῆμα ἀκούειν ξύγκειται.

[5] Cf. Dover 1976 and Finley 1985.

[6] Loraux 1986a, 179.

[7] Demosthenes 19.184: οἷς γὰρ ἐστ' ἐν λόγοις ἡ πολιτεία, πῶς, ἂν οὗτοι μὴ ἀληθεῖς ὦσιν, ἀσφαλῶς ἔστι πολιτεύεσθαι;

lesser extent, Athenian democracy was also underpinned by the *written* word; whether in the form of public inscriptions for all to see, or the literary habits of its elite politicians whose command of the spoken word was backed up by the knowledge and use of written works. Extant oratory generally follows the democratic script: spoken word good, written word bad, and plays down its own intrinsic relationship with writing.[8]

I will argue that Thucydides saw the written word—specifically the expansive prose work—as a means to recognize intellectual freedom of expression in contrast to the fact that it was routinely curbed in public life in favor of the interests of the democracy.[9] Accordingly, at the core of his historiographical project is a challenge from the written word to the spoken word. The speeches that play such a prominent role in the work substitute the written word for the spoken word. Moreover, Thucydides composed the speeches as a critique of the irrational climate of the culture of public speaking in Athens. His representation of Athenian speech culture presents the written word as a more rational medium than the spoken word. If the political regime of democratic Athens meant that the truth or the 'right' account of events could be suppressed in the face of a powerful political regime, then the field of intellectual research championed by Thucydides recognized an intellectual regime in which his version of the truth commands freedom of expression at the expense of other versions that might be told.

I want to explore the freedom of expression that Thucydides established for himself in his *History*. I will begin by discussing the antithesis between the written word and the spoken word in the *History* (section 2), and will then examine Thucydides' analysis of the problems of the spoken word (section 3). I will relate this discussion to the theme of silence in the *History* (sections 4 and 5): this condition was inimical to Athenian democratic debate, but it plays an instrumental role in Thucydides' construction of his *History*. It was imposed on the people by a politician like Pericles in order to restrict their freedom of expression, and Thucydides adopts (and adapts) this prerogative in his suppression of competing versions of history. The relation between the suppression

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[8] With the exception of clearly controlled contexts in which the use of writing was sanctioned for public use. However, even in these contexts there were sensitivities about the use of the written word and those who used it. See, e.g., Lysias 30 with Todd 1996.

[9] Ober 1998, chapter 2, has examined Thucydides' critique of the anti-intellectualism of Athenian politics, as part of a broader study of an intellectual community of writers in fifth and fourth century Athens.

of the spoken word and the use of the written word is vital here (section 5).[10] Throughout, I will focus on the response constituted by Thucydides' *History* to the constraints on free speech in Athenian public life as perceived by Thucydides.

2. *The antithesis of words and deeds*

Ever since its invention by Herodotus and Thucydides, the genre of narrative history in prose has had to weigh words against deeds, and to find ways of representing events that would seem to outweigh the significance of the written text. Thucydides measures words against events when he announces that he began to write his *History* at the outbreak of the Atheno-Peloponnesian War in the expectation that it would be 'most worthy of narrative' in comparison with past events (ἀξιολογώτατον τῶν προγεγενημένων).[11] In the case of Thucydides, scholars have argued that the *History* constitutes a hegemonic text that elides the difference between the Atheno-Peloponnesian War (*ergon*) and Thucydides' account (*logos*) of the war: the war has become the narrative of the war.[12]

There is plenty of criticism for the weakness of *logoi* in Thucydides' *History*. In the funeral oration Pericles employs a common topos about his words being based on deeds, as opposed to mere verbal artifice (2.41.2):

> And to show that this is no empty boasting for the present occasion, but real tangible fact, you have only to consider the power which our city possesses and which has been won by those very qualities which I have mentioned. (tr. Warner)
>
> καὶ ὡς οὐ λόγων ἐν τῷ παρόντι κόμπος τάδε μᾶλλον ἢ ἔργων ἐστὶν ἀλήθεια, αὐτὴ ἡ δύναμις τῆς πόλεως, ἣν ἀπὸ τῶνδε τῶν τρόπων ἐκτησάμεθα, σημαίνει.

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[10] On the basis of surviving descriptions of assemblies under Athenian democracy, Montiglio 2000, 157 concludes: 'They do not mention the discipline that allows an intelligent and productive listening. The image of an orderly and silent listening in practice seems to be at odds with the egalitarian representation of an assembly in which every citizen is called to speak his mind'.

[11] 1.1.1. Compare Herodotus *Histories* 1.17.1, where Herodotus picks out those episodes from Alyattes' reign that he considers 'most worthy of narrative' (ἀξιαπηγητότατα), and ibid. 2.70.1: ἣ δ' ὦν ἔμοιγε δοκέει *ἀξιωτάτη ἀπηγήσιος* εἶναι, ταύτην γράφω.

[12] See n. 19 below.

The 'boast of language' (κόμπος λόγων) is contrasted with the 'truth of deeds' (ἀλήθεια ἔργων). There is a robust dichotomy between *erga* and *logoi* throughout the speech, with Pericles vowing to illustrate by way of their deeds the men who proved their worth in action (2.35.1 ἐμοὶ δὲ ἀρκοῦν ἂν ἐδόκει εἶναι ἀνδρῶν ἀγαθῶν ἔργῳ γενομένων ἔργῳ καὶ δηλοῦσθαι τὰς τιμάς). At the same time he is careful to play down his own role as orator.

Yet, at the same time, Athenian politicians are expected to embody the heroic combination of being adept at both speaking and doing. Thucydides introduces Pericles as both a consummate speaker and doer (1.139.4 Περικλῆς ὁ Ξανθίππου, ἀνὴρ κατ' ἐκεῖνον τὸν χρόνον πρῶτος Ἀθηναίων, λέγειν τε καὶ πράσσειν δυνατώτατος).[13] It is interesting to note that Thucydides describes Brasidas—the one protagonist who is literally hero-worshipped (by the Amphipolitans)[14]—as a competent speaker (4.84.2 'he was not at all a bad speaker either, for a Spartan', ἦν δὲ οὐδὲ ἀδύνατος, ὡς Λακεδαιμόνιος, εἰπεῖν).[15] Pericles was chosen to deliver this funeral speech (ᾑρέθη λέγειν),[16] which, proleptically, becomes his own epitaph. This choice was a very public acknowledgment of his skill with words, and Thucydides' reconstruction of the speech emphasizes the power of language. Paradoxically, Pericles' assertion of the substance of deeds over words occurs in the context of an institution that celebrates words. What is more, we read this funeral *speech* in what has itself become a literary monument.

In the passage that offers the harshest criticism of Athens' docile speech culture, Cleon criticizes his Athenian (Assembly) audience for becoming 'spectators of speeches' and 'listeners of deeds', as though they are completely alienated from and disinterested in action. He adds the further criticism that they give more credit to a rhetorical evaluation of both past and future events, than deeds and events that have already occurred (3.38.3–4):

> You have become regular speech-goers, and as for action, you merely listen to accounts of it; if something is to be done in the future, you estimate the possibilities by hearing a good speech on the subject, and as

[13] Cf. *Iliad* 9.443, where Phoenix relates how Peleus appointed him to teach Achilles to be a speaker of words and a doer of deeds: μύθων τε ῥητῆρ' ἔμεναι πρηκτῆρά τε ἔργων.

[14] Thuc. 5.11.1.

[15] Cf. Hornblower 1996, 46, who compares this passage with both 1.139.4 and *Iliad* 9.443.

[16] 2.34.8.

> for the past, you rely not so much on the facts which you have seen with your own eyes as on what you have heard about them in some clever piece of verbal criticism. (tr. Warner)
>
> οἵτινες εἰώθατε θεαταὶ μὲν τῶν λόγων γίγνεσθαι, ἀκροαταὶ δὲ τῶν ἔργων, τὰ μὲν μέλλοντα ἔργα ἀπὸ τῶν εὖ εἰπόντων σκοποῦντες ὡς δυνατὰ γίγνεσθαι, τὰ δὲ πεπραγμένα ἤδη, οὐ τὸ δρασθὲν πιστότερον ὄψει λαβόντες ἢ τὸ ἀκουσθέν, ἀπὸ τῶν λόγῳ καλῶς ἐπιτιμησάντων.[17]

This criticism of *logoi* is destabilized on many levels: most obviously, Cleon is himself a speaker of a *logos*, and his criticism is (brilliantly) rhetorical.[18] Secondly, Cleon's formula seems to be affected by the confusion of *logos* and *ergon* that Thucydides achieves in his *History*: words and deeds swap places. In fact, the scenario that Cleon describes and descries could apply to Thucydides' *History*, where the audience really are spectators and listeners of speeches and deeds. There is a double substitution taking place in Thucydides' text; not only are words substituted for deeds, but written words are substituted for spoken words as Thucydides writes his version of what Cleon said (1.22.1):[19]

> I have made use of set speeches, some of which were delivered just before and others during the war. I have found it difficult to remember the precise words used in the speeches … So my method has been … to make the speeches say what, in my opinion, was called for by each situation. (tr. Warner)
>
> καὶ ὅσα μὲν λόγῳ εἶπον ἕκαστοι ἢ μέλλοντες πολεμήσειν ἢ ἐν αὐτῷ ἤδη ὄντες, χαλεπὸν τὴν ἀκρίβειαν αὐτὴν τῶν λεχθέντων διαμνημονεῦσαι ἦν ἐμοί […]· ὡς δ' ἂν ἐδόκουν ἐμοὶ ἕκαστοι […] μάλιστ' εἰπεῖν […] οὕτως *εἴρηται*.[20]

The final instance of λέγειν (εἴρηται) in this sentence should technically be γράφειν: the speeches have been *written* in the way that it seemed

[17] Compare: 1.73.2 'There is no need to talk about what happened long ago: there our evidence would be that of hearsay rather than that of eyewitnesses amongst our audience' (καὶ τὰ μὲν πάνυ παλαιὰ τί δεῖ λέγειν, ὧν ἀκοαὶ μᾶλλον λόγων μάρτυρες ἢ ὄψις τῶν ἀκουσομένων;).

[18] For the irony of Cleon's position, see Yunis 1996, 90.

[19] Words substituted for deeds: Loraux 1980 and 1986b, and Edmunds 1993 have demonstrated Thucydides' relentless 'textualization' of his subject-matter, which makes verbal accounts of events overshadow the events themselves. Crane 1996 studies how Thucydides' ideological prioritizing of the written word caps both spoken words and deeds.

[20] On the *logos* / *ergon* antithesis, particularly in reference to 1.22, see Rusten 1989, 7–17.

likely to Thucydides that the speakers would have spoken. Thucydides' speeches offer a rival version of truth; paradoxically, by departing from what was actually said, they claim to reveal what was *really* going on. As John Moles puts it, as far as Thucydides is concerned: 'There is truth and Truth. Only Thucydides' speeches can properly explore the *True* issues of a particular situation'.[21]

3. *The problem with speeches, the potential of writing*

Cleon's argument that his audience places too much importance on *logoi* as a guide to future events contradicts the premise of Thucydides' *History*, which holds that his *logos* will clarify events in the future. In response to Cleon's denunciation of speeches, Diodotus retorts that anyone who opposes the idea that speeches should instruct people about events is either stupid or self-interested (3.42.2 τούς τε λόγους ὅστις διαμάχεται μὴ διδασκάλους τῶν πραγμάτων γίγνεσθαι, ἢ ἀξύνετός ἐστιν ἢ ἰδίᾳ τι αὐτῷ διαφέρει). Many of the speakers in the *History* assume a didactic role, but the conditions for education are scarcely met by the contexts in which they are speaking. Consider this example of *didakhê* from the Athenian politician Nicias, addressing the Athenian Assembly in 415 BCE: Nicias tells the Assembly that he is aware that his argument would be weak (ἀσθενὴς ἄν μου ὁ λόγος εἴη) if he were to tell them not to endanger what they already have for the sake of things which relate to the future and are obscure.[22] This is a perfectly strong and rational argument in Thucydidean terms, and it backs up Pericles' strategies at the outset of the war. But Nicias admits that this argument would not sit well with his audience's natures, and so he offers them an argument based on expediency instead, presented as instruction (διδάξω). This is an intriguing use of *praeteritio*: here

[21] Moles 2001, 211. Cf. also Macleod 1983, 69: 'In the speeches Thucydides does what any artist and any historian must do: he refashions his subject in order to draw out its significance'.

[22] 6.9.3 'I know that no speech of mine could be powerful enough to alter your characters … I shall therefore confine myself to *teaching you* that this is the wrong time for such adventures and that the objects of your ambition are not to be gained easily (tr. Warner, adapted; emphasis mine) (καὶ πρὸς μὲν τοὺς τρόπους τοὺς ὑμετέρους ἀσθενὴς ἄν μου ὁ λόγος εἴη, […]· ὡς δὲ οὔτε ἐν καιρῷ σπεύδετε οὔτε ῥᾴδιά ἐστι κατασχεῖν ἐφ' ἃ ὥρμησθε, ταῦτα *διδάξω*).

it is used to mention a line of argument deemed unsuitable for the present audience, enabling Nicias to engage in doublespeak. Nicias is here cast in the role of an educator who sees himself as powerless to educate.

It is significant that the only instance in which Nicias is a confident educator is in the written medium, when he instructs the Athenian Assembly from a distance, by means of a letter (7.11–15). Thucydides comments that Nicias thought that the Athenians would learn his judgment and thus be able to deliberate about the true situation (7.8.2):

> thinking that in this way the Athenians would learn what his views were without having them distorted in the course of transmission, and would so have the truth of the matter in front of them to discuss.
>
> (tr. Warner, adapted)
>
> νομίζων οὕτως ἂν μάλιστα τὴν αὑτοῦ γνώμην μηδὲν ἐν τῷ ἀγγέλῳ ἀφανισθεῖσαν *μαθόντας* τοὺς Ἀθηναίους βουλεύσασθαι περὶ τῆς ἀληθείας.

The didactic purpose is repeated in the body of the letter (7.11.1): 'It is now essential that you should know what our situation is at present and should come to a decision about it' (tr. Warner) (νῦν δὲ καιρὸς οὐχ ἧσσον *μαθόντας* ὑμᾶς ἐν ᾧ ἐσμεν βουλεύσασθαι). Nicias preserves freedom of expression vis-à-vis the Athenian Assembly by resorting to the written word.

Aside from the intractability of the audience undermining attempts to educate them, there is the problem of rhetoric itself and the persuasive agenda of the speakers. At 1.68.2 the Corinthians rebuke the Spartans for failing to learn from their previous speeches:

> Many times before now we have told you what we were likely to suffer from Athens, and on each occasion, instead of *learning the lesson we were teaching you*, you chose instead to suspect our motives and to consider that we were speaking only about our own grievances.
>
> (tr. Warner, adapted; emphasis mine)
>
> πολλάκις γὰρ προαγορευόντων ἡμῶν ἃ ἐμέλλομεν ὑπὸ Ἀθηναίων βλάπτεσθαι, οὐ περὶ ὧν *ἐδιδάσκομεν* ἑκάστοτε τὴν *μάθησιν* ἐποιεῖσθε, ἀλλὰ τῶν λεγόντων μᾶλλον ὑπενοεῖτε ὡς ἕνεκα τῶν αὐτοῖς ἰδίᾳ διαφόρων λέγουσιν.

But the way in which the speech is framed makes it look like miseducation; Thucydides writes that the Corinthians were the last to speak, having given the other delegates a chance to provoke the audience (1.67.5 τοὺς ἄλλους ἐάσαντες πρῶτον *παροξῦναι* τοὺς Λακεδαιμονίους). Elsewhere in the *History* it is clear that appeals to passion and anger

preclude rational judgment and criticism of speeches, and definitely undermine any claims to instruct an audience.[23]

The background to the Mytilene debate that Thucydides gives us is a brief reference to the previous Assembly in which the Athenians had reached a decision in anger (ὑπὸ ὀργῆς ἔδοξεν αὐτοῖς).[24] The emotional thrust of the subsequent debate between Cleon and Diodotus entails Cleon trying to pique his audience to retain the anger and contempt that led to the previous decree, while Diodotus counsels against acting rashly in anger (3.42.1):

> Haste and anger are, to my mind, the two greatest obstacles to wise counsel—haste, that usually goes with folly, anger, that is the mark of primitive and narrow minds. (tr. Warner)
>
> νομίζω δὲ δύο τὰ ἐναντιώτατα εὐβουλίᾳ εἶναι, τάχος τε καὶ ὀργήν, ὧν τὸ μὲν μετὰ ἀνοίας φιλεῖ γίγνεσθαι, τὸ δὲ μετὰ ἀπαιδευσίας καὶ βραχύτητος γνώμης.

As Yunis has observed, Diodotus takes on the mantle of Periclean 'rational' rhetoric in his response to Cleon.[25] In his final speech to the Athenian Assembly in the *History* (2.60–64), Pericles epitomizes the ideal of standing up to his audience. By eschewing the pleasure of the popular audience, Pericles reinforces Thucydides' historiographical code; although that is really akin to saying that Thucydides reinforces Thucydides' historiographical code, in that Thucydides wrote speeches for Pericles that prove programmatic for the *History*. As narrator, Thucydides exploits the credibility of Pericles as an influential historical politician who, by the accident of his death, was not tarnished by Athens' failure in the war. Accordingly he writes a like-minded script for Pericles so that Pericles' voice will offer seemingly independent confirmation of Thucydides' analysis of the war.

According to Thucydides, Pericles did not speak with a view to pleasing his audience, and Thucydides predicts that his *History* will appear somewhat joyless (ἀτερπέστερον—1.22.4). But this joylessness

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23 For a discussion of Thucydides' critique of political rhetoric and his criteria for evaluating political instruction, cf. Yunis 1996, chapters 3 and 4.

24 3.36.2: 'They then discussed what was to be done with the other prisoners and, in their angry mood, decided to put to death not only those now in their hand but also the entire adult male population of Mytilene' (tr. Warner) (περὶ δὲ τῶν ἀνδρῶν γνώμας ἐποιοῦντο, καὶ ὑπὸ ὀργῆς ἔδοξεν αὐτοῖς οὐ τοὺς παρόντας μόνον ἀποκτεῖναι, ἀλλὰ καὶ τοὺς ἅπαντας Μυτιληναίους ὅσοι ἡβῶσι).

25 Yunis 1996, 93.

is presented in terms of an antithesis between pleasure and truth. In the previous chapter, Thucydides accuses speechwriters of constructing speeches with a view to leading their audience on, rather than telling the truth: οὔτε ὡς λογογράφοι ξυνέθεσαν ἐπὶ τὸ προσαγωγότερον τῇ ἀκροάσει ἢ ἀληθέστερον (1.21.1).[26] Speech and arguments delivered in a context that is audience-centered will be unfree to speak the truth. As Bernard Williams writes in a work in which he identifies Thucydides as the originator of the tradition of truth and accuracy in research: 'Truth is not audience-relative. In particular, the truth of a statement has nothing to do with whether a given audience will be pleased to hear it'.[27] A subsidiary pleasure is the pleasure taken in the spoken word itself—orators revelling in language. Cleon attacks *rhêtores* who delight in language (3.40.3 οἵ τε τέρποντες λόγῳ ῥήτορες) and warns that the pleasure that the city derives from such performances is short-lived, but he might as well be commenting on his own highly rhetorical performance.[28]

Thucydides represents Pericles' refusal to indulge the pleasure principle and the fact that he exercises rational judgment over his audience as the ultimate model of freedom of expression. The corollary of Pericles' freedom of expression is the unfreedom of his audience. Much has been written about the statement that Pericles κατεῖχε τὸ πλῆθος ἐλευθέρως (2.65.8) and the debate has polarized into two conflicting translations: *either* that Pericles controlled the public (*plêthos*) in a manner appropriate to their freedom; or that Pericles exercised complete independence in controlling the *plêthos*.[29] In my view the context of

[26] As depicted by Thucydides, the practice of most *logographoi* is directly at odds with the model of political rhetoric demonstrated by Pericles: whereas they speak to lead the audience on (ἐπὶ τὸ προσαγωγότερον), he speaks to lead the audience away from (destructive) emotions: ἀπαγαγὼν τὸ ὀργιζόμενον τῆς γνώμης (2.59.3). See n. 39 below.

[27] Williams 2002, 165. Cf. Herodotus *Histories* 7.101.3 where the Spartan exile Demaratus asks Xerxes a question that speaks to the historiographical concerns of both Herodotus and Thucydides: κότερα ἀληθείῃ χρήσωμαι πρὸς σὲ ἢ ἡδονῇ;

[28] 3.40.3 'As for the speech-makers who give such pleasure by their arguments, they should hold their competitions on subjects which are less important, and not on a question where the state may have to pay a heavy penalty for its light pleasure, while the speakers themselves will no doubt be enjoying splendid rewards for their splendid arguments' (tr. Warner) (οἵ τε τέρποντες λόγῳ ῥήτορες ἕξουσι καὶ ἐν ἄλλοις ἐλάσσοσιν ἀγῶνα, καὶ μὴ ἐν ᾧ ἡ μὲν πόλις βραχέα ἡσθεῖσα μεγάλα ζημιώσεται, αὐτοὶ δὲ ἐκ τοῦ εὖ εἰπεῖν τὸ παθεῖν εὖ ἀντιλήψονται).

[29] For a survey of the bibliography on this passage in English and German (up to 1977), see Edmunds and Martin 1977. They argue for the latter interpretation: 'the adverb in 2.65.8, taken in its context, must refer to Pericles' freedom, in particular

the statement and Thucydides' representation of Pericles require the latter translation; Pericles led the *dêmos* and he did not speak with a view to pleasing them[30]—his speech was unfettered. The phrase κατεῖχε τὸ πλῆθος ἐλευθέρως is heavily ironic;[31] κατεῖχε τὸ πλῆθος implies un-democratic politics, while ἐλευθέρως gestures towards the freedoms of Athenian democracy. By speaking freely, Pericles fulfils the democratic ideal as interpreted by Thucydides: being able to think freely and to speak freely about what one thinks, even if the way in which he imposes his thoughts on the *plêthos* seem to contradict the ideal of free and democratic deliberation. Thucydides sets himself up as the judge of what counts as right thinking within his text: 'right thinking' is thinking that is rational and has the truth as its object, and, because it is right it can justly be imposed freely on audiences.

4. *Silence and the regulation of speech*

Thucydides gives us an explicit example of Pericles suppressing the voices of his fellow Athenians in the conviction that he (Pericles / Thucydides) knows best. During the Peloponnesian invasion of Attica in the summer of 431 BCE, Pericles allegedly imposed silence on the Athenian *dêmos* (2.22.1):

> Pericles was convinced of the rightness of his own views about not going out to battle, but he saw that for the moment the Athenians were being led astray by their angry feelings. So he summoned no Assembly or special meeting of the people, fearing that any general discussion would result in wrong decisions, made under the influence of anger rather than reason. Meanwhile he saw to the defenses of the city and kept things as quiet as he could. (tr. Warner)
>
> Περικλῆς δὲ ὁρῶν μὲν αὐτοὺς πρὸς τὸ παρὸν χαλεπαίνοντας καὶ οὐ τὰ ἄριστα φρονοῦντας, πιστεύων δὲ ὀρθῶς γιγνώσκειν περὶ τοῦ μὴ ἐπεξιέναι,

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his oratorical freedom, vis-à-vis the people, and not to the people's freedom during his ascendancy in Athens' (*ibid.* 191). Amongst recent commentators, Rusten 1989, 210 follows Edmund and Martin, whereas Hornblower 1991, 345 goes for the opposing interpretation, translating ἐλευθέρως as 'like free men'. Rhodes 1988, 119 translates 'had the masses on a light rein'.

[30] 2.65.8: 'It was he who led them, rather than they who led him, and, since he never sought power from any wrong motive, he was under no necessity of flattering them' (tr. Warner) (καὶ οὐκ ἤγετο μᾶλλον ὑπ' αὐτοῦ ἢ αὐτὸς ἦγε, διὰ τὸ μὴ κτώμενος ἐξ οὐ προσηκόντων τὴν δυνάμιν πρὸς ἡδονήν τι λέγειν).

[31] Rusten 1989, 210 deems this phrase an oxymoron.

> ἐκκλησίαν τε οὐκ ἐποίει αὐτῶν οὐδὲ ξύλλογον οὐδένα, τοῦ μὴ ὀργῇ τι μᾶλλον ἢ γνώμῃ ξυνελθόντας ἐξαμαρτεῖν, τήν τε πόλιν ἐφύλασσε καὶ *δι' ἡσυχίας* μάλιστα ὅσον ἐδύνατο *εἶχεν*.

This episode departs from the script of Athenian democracy as we know it: according to ancient historians' understanding of the remit of Athenian generals, it should not have been in Pericles' (constitutional) power to override the statutory minimum requirement for meetings of the Athenian Assembly. Scholars have put forward various considerations to explain why this might not necessarily have been unconstitutional behavior.[32] However, as Simon Hornblower points out, there is no getting around Thucydides' language and the way in which he chose to represent Pericles' high-handed conduct, regardless of the constitutional niceties of the case.[33] According to Thucydides, Pericles effectively silenced the Athenian citizen body by ensuring that there was no institutional occasion for public debate.[34] This section of narrative presents a suggestive model for Thucydides' own historiographical project. Thucydides did in literary terms what he describes Pericles doing in political terms: as Pericles was apparently confident in the wisdom of his defensive strategy (πιστεύων δὲ *ὀρθῶς γιγνώσκειν* περὶ τοῦ μὴ ἐπεξιέναι),[35] and took advantage of his position to suppress opposition to this strategy, so Thucydides thought that he had the right conception of the history (and pre-history) of the war, and constructed his own account to silence the wrong-headed opinions of his contemporaries from the perspective of posterity.

The word that I am translating as 'silence' has a much broader semantic range. In archaic poetry, ἡσυχία refers to social and political stability and a general state of peace and calm.[36] 'State of calm' is certainly a feasible translation for ἡσυχία at 2.22.1, although the prepositional phrase δι' ἡσυχίας may signify silence, as opposed to just calm (see *LSJ* s.v.3). However, because this state of calm is represented as the

[32] Rhodes 1988, 206–207; Christensen and Hansen 1983.

[33] Hornblower 1991, 276 (conclusion to his lemma on 2.22.1): 'Despite all the above, Th.'s language here and at 21.3 is surprisingly absolute: scholars have been almost too conscientious in their efforts to minimize the powers of Athenian generals'.

[34] See Rusten 1989, 129: 'T.'s meaning here must be that Pericles refused to debate either in the assembly or elsewhere (Christensen and Hansen 22–25 think especially of army meetings)'.

[35] Contrast this with Pericles/ Thucydides' estimation of the Athenian *dêmos*' behavior: καὶ οὐ τὰ ἄριστα φρονοῦντας.

[36] Cf. especially Pindar *Olympian* 4.16. See also Carter 1986, 42.

suspension of political debate, and because Thucydides typically uses this noun and its cognate verb (ἡσυχάζω) in contexts that describe the *dêmos* falling silent in his account of the oligarchic revolution in book 8, I have chosen to translate ἡσυχία as 'silence'.[37] Perhaps the most accurate gloss on the Thucydidean usage is 'silence in political contexts'.[38]

The corresponding passage to 2.22.1 is 2.59.3; whereas, in the earlier passage, Pericles prevents *ekklêsiai* and *sullogoi*, in the later passage he deliberately convenes a meeting (*sullogon*) to tell the Athenians what they should be thinking and how they should be behaving.[39] Pericles' regulation of speech and silence reverses the typical scenario, which is the Athenian *dêmos* intimidating its would-be advisors into silence. For example, in the second Assembly[40] devoted to the question of the Sicilian expedition, anyone who disagreed with the motion kept quiet, for fear of seeming ill-disposed (6.24.4–25.1):

> The result of this excessive enthusiasm of the majority was that the few who actually were opposed to the expedition were afraid of being thought unpatriotic if they voted against it, and therefore *kept quiet.*
> (tr. Warner, my emphasis)
>
> ὥστε διὰ τὴν ἄγαν τῶν πλεόνων ἐπιθυμίαν, εἴ τῳ ἄρα καὶ μὴ ἤρεσκε, δεδιὼς μὴ ἀντιχειροτονῶν κακόνους δόξειεν εἶναι τῇ πόλει *ἡσυχίαν ἦγεν*.

Most scholars overlook the uncharacteristic silence that befalls the Athenian assembly and public gatherings in the summer of 431 BCE. Instead, they focus on the brutal silencing of debate that occurred during the oligarchic regime in 411 BCE, which is treated in book 8 of Thucydides' *History*. However, for the interpretation of the *History*, it is important that we understand the two episodes as part of a single trend

[37] Cf. e.g., ἡσυχίαν εἶχεν ὁ δῆμος (8.66.2), and ἡσύχαζον (8.70.1). I will return to book 8 below.

[38] See Carter 1986, 167 who suggests that ἡσυχία is sometimes a synonym for ἀπραγμοσύνη in Thucydides.

[39] 2.59.3: 'Pericles himself saw well enough how bitterly they felt at the situation in which they found themselves; he saw, in fact, that they were behaving exactly as he had expected that they would. He therefore, since he was still general, summoned an Assembly with the aim of putting fresh courage into them and of guiding their embittered spirits so as to leave them in a calmer and more confident frame of mind. Coming before them, he made the following speech' (tr. Warner) (ὁ δὲ ὁρῶν αὐτοὺς πρὸς τὰ παρόντα χαλεπαίνοντας καὶ πάντα ποιοῦντας ἅπερ αὐτὸς ἤλπιζε, ξύλλογον ποιήσας (ἔτι δ' ἐστρατήγει) ἐβούλετο θαρσῦναί τε καὶ ἀπαγαγὼν τὸ ὀργιζόμενον τῆς γνώμης πρὸς τὸ ἠπιώτερον καὶ ἀδεέστερον καταστῆσαι· παρελθὼν δὲ ἔλεξε τοιάδε).

[40] I am following the order of Assembly meetings as calculated in Gomme, Andrews, and Dover 1970, 223–227.

in Athenian politics. Pericles effectively silences the Athenians because he thinks that they are irrational and cannot deliberate responsibly. In the books that follow, Thucydides presents several critical sketches of Assembly debates. In the Mytilene debate speech-culture is hanging on by a precarious thread. The critique that is put into Cleon's mouth is hard-hitting and is in fact borne out by his own speech, but Diodotus puts forward a contending point of view (*antilogia*), backed up by more rational arguments and debate is saved. However, if we believe Cleon's critique at 3.38.4, the *dêmos* is a passive, non-speaking audience in this debate. It has effectively silenced itself. In the Assembly debate on the Sicilian expedition at 6.9–24 there is no opposition from those who disagree with the proceedings of the Assembly. It is as though the Athenian *dêmos* were complicit in its total loss of voice that is reported at 8.66 (cf. Taylor 2002).

The oligarchic conspiracy is played out amidst a series of dysfunctional assemblies; the normal *ekklêsia* is abolished and an oligarchic version is established in its place, but the spirit of the democratic Assembly persists amongst the Athenian fleet stationed in Samos. The reader is confronted with two parallel models of the Assembly. The initial response to the overtures of the oligarchs is extremely vocal, people speak against their proposals in the Assembly and Alcibiades' opponents shout out (8.53.2 ἀντιλεγόντων δὲ πολλῶν καὶ ἄλλων [...] καὶ τῶν Ἀλκιβιάδου ἅμα ἐχθρῶν διαβοώντων). But the aptly named Peisander surmounts the verbal opposition and abuse, and challenges his opponents to put forward coherent counter-proposals. Thucydides stresses the clarity of Peisander's speech in a book where there is so much intrigue and confusion: *σαφῶς* ἔλεγεν αὐτοῖς (8.53.3). The *dêmos* is resistant at first, but eventually submits to Peisander's instruction: *σαφῶς* δὲ *διδασκόμενος* ὑπὸ τοῦ Πεισάνδρου ... ἐνέδωκεν (8.54.1).[41] While Thucydides hardly endorses Peisander's politics, he emphasizes the power of clarity in argument, which beats down all opposition.

The conspiracy relies on secrecy, with the conspirators doing away with opponents 'κρύφα' (8.65.2, 65.3), and this secrecy is complemented by a suppression of debate and paranoid silence (8.66.1–2):

> Nevertheless the Assembly and the Council chosen by lot still continued to hold meetings. However, they took no decisions that were not

[41] The oligarchic revolution is characterized by different forms of instruction as politicians vie to instruct the *dêmos* in their rival ideologies: διδάξοντας (8.72.1); διδαχθέντες (8.75.1); ἀναδιδάξοντας (8.86.1).

> approved by the party of the revolution; in fact all the speakers came from this party, and what they were going to say had been considered by the party beforehand. People were afraid when they saw their numbers, and no one now dared to speak in opposition (ἀντέλεγέ τε οὐδείς) to them. If anyone did venture to do so, some appropriate method was soon found for having them killed, and no one tried to investigate such crimes or take action against those suspected of them. Instead the people kept quiet (ἡσυχίαν εἶχεν ὁ δῆμος), and were in such a state of terror that they thought themselves lucky enough to be left unmolested even if they had said nothing at all (εἰ καὶ σιγῴη). (tr. Warner)

This is followed by further silent, passive Assemblies (8.69.1): 'the Assembly, after ratifying the proposals *with no word spoken in opposition*, was dissolved' (tr. Warner; emphasis mine) (ἐπειδὴ δὲ ἡ ἐκκλησία *οὐδενὸς ἀντειπόντος*, ἀλλὰ κυρώσασα ταῦτα διελύθη); (8.70.1): 'when the Council had made way for them like this, *with no objection raised*, and the rest of the citizens *kept quiet* and took no kind of action' (tr. Warner; emphasis mine) (ὡς δὲ τούτῳ τῷ τρόπῳ ἥ τε βουλὴ *οὐδὲν ἀντειποῦσα* ὑπεξῆλθε καὶ οἱ ἄλλοι πολῖται οὐδὲν ἐνεωτέριζον, ἀλλ' *ἡσυχάζον*).

5. *Silence and writing*

Concurrent with the suppression of the spoken word, is the use of the written word to further the interests of the conspiracy. The conspirators introduce a panel of ten scribes with full powers (ξυγγραφέας αὐτοκράτορας—8.67.1) and these scribes bring a motion before the Assembly that is a cunning parody of the democratic freedom of *isêgoria*.[42] In place of the convention that any citizen can speak before the Assembly, they bring in the insidious resolution that any Athenian can propose anything before the Assembly with impunity (8.67.2 καὶ ἐσήνεγκαν οἱ ξυγγραφῆς ἄλλο μὲν οὐδέν, αὐτὸ δὲ τοῦτο, ἐξεῖναι μὲν Ἀθηναίων ἀνατεὶ εἰπεῖν γνώμην ἣν ἄν τις βούληται). This masquerades as an extremely democratic measure, but is intended to pave the way for the conspirators to propose the abolition of the democratic constitution, and the death penalty without trial for their opponents.

Notwithstanding Peisander's talent for public speaking, Thucydides makes a point of stating that, from the start, the conspiracy was masterminded by Antiphon, an intellectual who avoided speaking in public,

[42] 8.67.1: '… these men should draw up their proposals and put them before the people' (τούτους δὲ ξυγγράψαντας γνώμην ἐσενεγκεῖν ἐς τὸν δῆμον).

but made a career of writing scripts behind the scenes for use in political life (8.68). Deborah Steiner points out that the substitution of the spoken word for the written word is illustrated by the exchange of secret letters that plays an important role in Thucydides' account of the oligarchic coup.[43] Significantly, Antiphon was reputed to be the first orator to have published his speeches and to have demonstrated his preference for the written over the spoken word.[44]

Although ἡσυχία is not compatible with the vigor of Athenian democracy, which is represented as a noisy speech culture, Thucydides suggests that it is a prerequisite for rational deliberation and for the sustained reflection that lies behind the written text. After being pressured into serving as general on the expedition, Nicias told the Assembly that he would deliberate about the expedition in quiet with his fellow officials: ὁ δὲ ἄκων μὲν εἶπεν ὅτι καὶ μετὰ τῶν ξυναρχόντων *καθ' ἡσυχίαν* μᾶλλον βουλεύσοιτο (6.25.2). This is the same session of the Assembly in which dissenters are afraid to speak against the proposals expressed (6.25.1) (see p. 187). Thucydides proclaims his *History* to be a product of silent withdrawal (5.26.5):

> It happened, too, that I was banished from my country for twenty years after my command at Amphipolis; I saw what was being done on both sides, particularly on the Peloponnesian side, because of my exile, and *this quiet period* gave me rather exceptional facilities *for looking into things*.
> (tr. Warner, adapted; emphasis mine)
>
> καὶ ξυνέβη μοι φεύγειν τὴν ἐμαυτοῦ ἔτη εἴκοσι μετὰ τὴν ἐς Ἀμφίπολιν στρατηγίαν, καὶ γενομένῳ παρ' ἀμφοτέροις τοῖς πράγμασι, καὶ οὐχ ἧσσον τοῖς Πελοποννησίων διὰ τὴν φυγήν, *καθ' ἡσυχίαν* τι αὐτῶν μᾶλλον *αἰσθέσθαι*.

It is significant that withdrawal from Athenian politics is characterized as quiet / silence, and that Thucydides takes advantage of this silence to produce a written account. It is as though the truth can only survive if it avoids public spoken debate and is instead worked out in silence.[45]

If this sounds fanciful, then it is well to recall Thucydides' account of the public inquiry into the mutilation of the herms and the profanation of the mysteries in 415 BCE, in which the inquiry into the truth was compromised with a view to political expediency. In describing the travesty of an inquiry that occurs (6.60–61), Thucydides deliberately

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[43] Steiner 1994, 221. Steiner discusses the involvement of 'writer oligarchs' in the coup at pp. 221–227 of the same work.

[44] Cf. Steiner 1994, 225 for a discussion of the *testimonia* on Antiphon's writing.

[45] See Finley 1985, 158–159 for exile as a form of censorship in classical antiquity.

uses the language of clarity, echoing the terms in which he showcases his historical research in 1.22.4. The testimony that secured the conviction of the *hermokopidai* was unsubstantiated; Thucydides writes that there *is* speculation (εἰκάζεται is in the present tense—indicating that this was never resolved) as to whether the informant testified as to what really happened, or not: nobody either at the time or subsequently was able to give a transparent account of those who did the deed (6.60.2 ἐπ' ἀμφότερα γὰρ εἰκάζεται, *τὸ δὲ σαφὲς* οὐδεὶς οὔτε τότε οὔτε ὕστερον ἔχει εἰπεῖν περὶ τῶν δρασάντων τὸ ἔργον). This point is stressed by the repetition of the phrase τὸ σαφές at 6.60.4, where we are told that the Athenian *dêmos* gleefully grasped what it *thought* was the clear account: λαβών, ὡς ᾤετο, *τὸ σαφές*. If this were not obvious enough, the vocabulary of clarity is repeated in the next section, where we are told that it was unclear (ἄδηλον) if those who were punished had been punished unjustly, but, for the time being, the city was visibly assisted (περιφανῶς ὠφέλητο).[46] The phrase τὸ σαφές is a direct echo of Thucydides' statement that his history will suffice if it proves beneficial for those (in the future) who want to gain a clear insight (τὸ σαφὲς σκοπεῖν) into what happened in the past, and who want a clear understanding of events in the future. Whilst the *dêmos* achieved short-term benefits from what it *thought* was a clear account, Thucydides' aspired to provide a clear account that will benefit readers for all time (1.22.4) (ὠφέλιμα κρίνειν αὐτά).

6. *Conclusion*

I have argued that Thucydides' *History* is a response to constraints on the freedom of speech in Athenian public life. Thucydides was of the opinion that, under questionable political leadership, the Athenian democracy sponsored a regime of 'untruth' that distorted historical reality. He frames his written historical record as a counter-thesis, which claims to give the reader access to an objective reality. But all is not free in the world of his text; scholars have argued that his long, continuous prose history closes down discussion and confines the interpretations

[46] 6.60.5: 'In all this it was impossible to say whether those who suffered deserved their punishment or not, but it was quite clear that the rest of the city, as things were, benefited greatly' (tr. Warner) (κἀν τούτῳ οἱ μὲν παθόντες ἄδηλον ἦν εἰ ἀδίκως ἐτετιμώρηντο, ἡ μέντοι ἄλλη πόλις ἐν τῷ παρόντι περιφανῶς ὠφέλητο).

of subsequent historians, based on Thucydides' evaluation of what was best for the Athenians and what it will be useful for readers in the future to know.[47] Lowell Edmunds articulates this problematic aspect of Thucydides' historiography very neatly in the observation that '[t]he veridicality of Thucydides depends upon a certain outlook that is demonstrably political or ideological'.[48]

Throughout the narrative we are reminded of Thucydides' ability to circumscribe and restrict the speech of historical protagonists within his *History*; for instance, when he tells us that other opinions were expressed in the second session of the Assembly devoted to the Mytilenean crisis: ἄλλαι τε γνῶμαι ἀφ' ἑκάστων ἐλέγοντο (3.36.6).[49] Thucydides only includes the speeches of Cleon and Diodotus (leaving aside the unanswerable question of to what extent his version of their speeches corresponds to their own words, or whether Diodotus was a real person). Consequently, our interpretation of the (historical) debate is prescribed by Thucydides' prior selection as to which arguments to include and which to exclude.

At the end of his essay on *Thucydides*, Dionysius of Halicarnassus gets embroiled in a summary of differing arguments about Thucydides' audience. He quotes critics who argue that Thucydides was clearly not writing for his contemporaries, on the grounds that very few of them would have understood him, and he states that Thucydides cannot have been writing with a view to the oral performance of his *History* because the style is too impenetrable. Dionysius does not identify these critics, and it is impossible to determine if he is quoting them in their own words, but one of the phrases that he uses is highly suggestive for any discussion of 'freedom of speech in the ancient world'. Dionysius writes:

> They contend that the author was not composing these writings of his for the man in the street (ἀγοραίοις ἀνθρώποις), the workman at the bench, the artisan or any other person who has not enjoyed a liberal education (οἳ μὴ μετέσχον ἀγωγῆς ἐλευθερίου), but for those who

[47] Cf. the works referred to in n.19 above. Wallace 1964, 258 envisages Thucydides' coercive hold over his readers in political terms: 'No totalitarian meeting of voters assembled to elect a single slate of candidates has ever been more unanimous than the readers of Thucydides in assessing the issues of the Peloponnesian War'.

[48] Edmunds 1993, 848 makes this remark in the context of a discussion of Thucydides 6.8.2, where Thucydides criticizes the Athenian *dêmos* for its misguided interpretation of the speech made by the Egestan envoys in the Athenian Assembly.

[49] On comparable instances of Thucydides' selectivity, cf. Rood 1998, 137 with n. 61.

> have passed through the standard courses to the study of rhetoric and philosophy, to whom none of these usages will seem strange.[50]

According to these critics, and this is hardly a controversial interpretation of Thucydides, he was not aiming his *History* at men of the agora (note the Greek adjective *agoraioi*), but instead at those who had had the benefit of a liberal education (*agôgê eleutherios*). When viewed from this perspective, freedom no longer resides in the democratic agora, but with the elite who, albeit it alienated by democracy, have had the freedom to educate themselves so that they can engage critically with Thucydides' prose narrative.

Writing about the political connotations of silence in the extant speeches of the Athenian orators, Silvia Montiglio remarks that involuntary silence in public debate (whether through intimidation, humiliation, nerves, an unruly audience, or ineptitude) is figured as disenfranchisement, hence the need for orators to be seen to control silence and its antithesis, *thorubos*: 'In its political version, silent impotence becomes synonymous with *atimia* (civic exclusion), a condition that entails above all the prohibition of making oneself heard in public places'.[51] Thucydides, who was exiled and disenfranchised from Athenian politics for twenty years (5.26.5), made an explicit connection between exile and silence,[52] and used the written medium to make his silence 'speak' so eloquently that it would, in time, win out over the spoken *logoi* of his contemporaries.

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[50] D.H. *Th.* 50. Tr. S. Usher (Loeb Classical Library).

[51] Montiglio 2000, 116.

[52] See p. 190 above.

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CHAPTER NINE

CITIZEN ATTRIBUTE, NEGATIVE RIGHT: A CONCEPTUAL DIFFERENCE BETWEEN ANCIENT AND MODERN IDEAS OF FREEDOM OF SPEECH

D.M. Carter

1. *Introduction*

In this paper I discuss not the practice of free speech, but the way in which the Athenians conceived of it. It is generally supposed to be not only something prized by the Athenians, but also something closely tied up with democratic ideology. I quote one example of writing informed by this assumption:

> The most treasured of individual rights is freedom of speech, cherished by democrats but suppressed by supporters of authoritarian rule. Once more we find the same ideal in democratic Athens.[1]

If we look at the evidence more closely, however, we are confronted by two startling facts.[2] One: free speech does not seem to make its way into every contemporary celebration of democracy;[3] in particular, fifth-century mentions of free speech are dominated by Euripides: remove him, and the idea hardly appears at all. Two: by no means all of our sources celebrate free speech; as will be seen, even Euripides is ambiguous in his appraisal of its merits. This paper offers one explanation for an ambivalent attitude among the Athenians to one of the most distinctive features of their democracy. My focus is on democratic Athens of the fifth and fourth centuries BCE. There is no room here to look in

[1] Hansen 1991, 77; similarly, Halleran ad E. *Hipp.* 422 is able to describe *parrhêsia* as 'the right so prized by Athenians'. Kurt Raaflaub in this volume defines *parrhêsia* as 'the right to say all', cf. id. 1980, *passim*; 1985, 280.

[2] On both of these points, cf. Todd 1993, 311–312, especially n. 26, though he underestimates the frequency with which Demosthenes uses the word *parrhêsia*.

[3] Discussions of free speech are particularly notable for their absence from most extant funeral speeches; cf. Loraux 1986, 175. Free speech is not mentioned at all in the fragmentary speech by Hyperides, nor in the one attributed to Lysias, nor in the speech reported at Pl., *Menex.* 236d–249d. It is discussed as a feature of democracy at Dem. 60.25–26, and there is a possible mention at Thuc. 2.40. On both of these, see below, section 6.

detail at free speech in each one of the Assembly, council, lawcourts and theater, so I will confine my remarks first to *parrhêsia* in general (i.e. in both social and political situations), and then specifically to free speech in the Assembly.

Part of the reason that the ancient Greek attitude to free speech seems ambiguous has to do with our own expectations. The modern concept of 'Freedom of Speech' strikes at least as resonant an ideological chord as Greek *parrhêsia* ever did. (For this reason, and to avoid confusion, I refer throughout this paper to the modern idea as Freedom of Speech and to the Greek version as free speech.) To us in the West, Freedom of Speech is considered a negative right, in other words a freedom *from* censorship. Our idea of Freedom of Speech as a right can creep into modern discussions of ancient free speech, as we saw above in the quotation from Hansen.[4] To imply that free speech was considered a right by the Athenians is, I would suggest, a misconception. However, I do not agree with arguments of many, who assert that the Greeks had no concept of rights at all. What I think is a useful model is as follows. Under modern democracies, freedoms are conceived of as negative rights, and these include a right to Freedom of Speech. The Athenians, on the other hand, while they conceived of political freedom in terms very close to a negative right, thought of free speech as something very different: a characteristic of citizens, an attribute, which was a sort of side effect of their political enfranchisement.[5]

This paper provides an illustration of the model I have just given. Following a definition of my terms, I attempt to show first that personal and political freedom was conceived of in terms similar to our idea of human rights, and secondly that *parrhêsia* was not conceived of in these terms. We shall see that what the Athenians called *parrhêsia* was more of a characteristic of their citizenship than it was a right. If democracy did not actively protect free speech, then there must be another, less ideological explanation for the close connection between free speech and democracy. In the pre-penultimate part of this paper, I suggest the explanation that the enfranchisement of all citizens gave

[4] Further examples of ancient phenomena described using the modern language of rights are collected in Wallace 1996, 107.

[5] Cf. Foucault 2001, 22 on *parrhêsia* as 'an ethical and personal attitude characteristic of the good citizen'. However, it will be seen in this paper that one could not always necessarily speak of the outspoken citizen as 'good'. Foucault himself goes on to discuss the problematizing of *parrhêsia* in literature.

them the confidence to speak more freely. I then add further definition to the term 'attribute'. Finally, I look very briefly at free speech in the Assembly.

2. *Words for free speech*

I should define my terms. I take freedom to be a negative concept: in other words, the presence of freedom implies the absence of coercion.[6] I define a right as some privilege that cannot be taken away from a human with justice. By a citizen attribute, I do not mean anything stronger than something that the citizen of one city was more likely to display than that of another. This was something far less ideological than a right, even though, as we shall see, the idea of a quality more or less exclusively owned by the Athenians allowed some, especially Demosthenes, to speak of Athenian free speech in reasonably ideological terms. As for ancient Greek terms for free speech, there are two that I discuss in this paper: *isêgoria* and *parrhêsia*. There follows an attempt to tease apart the meanings of these two words. This must admittedly be a fairly artificial exercise, since the two words have such similar meanings. However, that is not to say that they were always interchangeable.

Isêgoria appears earlier in the literature. Its meaning differs from *parrhêsia* with respect both to the context in which it was often used, and to its meaning: it was a term more likely to be used in a political context, and it held connotations more of equality than freedom. It could be political in meaning as well as context, in that it could be used synonymously with democracy: this is the case in its earliest use, at Herodotus 5.78.[7] *Parrhêsia*, on the other hand, is the word writers in a non-political context are more likely to choose and, I shall argue, represented more a by-product of democracy than democracy itself. Herodotus' choice of *isêgoria* instead of *dêmokratia* or *isonomia* seems striking,[8] but is perhaps deliberate. The most obvious expression of Athenian equality of speech occurred more or less every week in the Assembly. Each meeting famously began with the question τίς ἀγορεύειν

[6] The concept of negative, as opposed to positive, freedom is defined and discussed in Berlin 1969, 118–172.

[7] A later example comes at Dem. 15.18.

[8] Cf. Ostwald 1969, 109 n. 2. Griffith 1967, 115 neatly has it that Herodotus 'named the part to describe the whole'. The question is raised at somewhat greater length by Lewis 1971, 130–131.

βούλεται; (who wishes to speak?), the point being that anyone could. The composition of the word *isêgoria*, part of it cognate with the verb ἀγορεύειν, seems to me no accident: part of its meaning had to do with the equal opportunity to speak in the Assembly. Herodotus thus underlines the success of a city in which everyone 'has an equal say'. The composition of the word suggests also, of course, that *isêgoria* had more to do with equality of speech than with free speech.[9] This is not to say that one could never describe it as a freedom. Theseus perhaps does so, speaking in the agon of Euripides' *Suppliants*. His words are clearly a tragic formula for τίς ἀγορεύειν βούλεται; –the opening words of any meeting of the Athenian Assembly (E. *Suppl.* 438–439):

> This is what freedom is: 'Who wants to set some beneficial proposal, which he has, before the city?'
>
> τοὐλεύθερον δ' ἐκεῖνο· Τίς θέλει πόλει
> χρηστόν τι βούλευμ' ἐς μέσον φέρειν ἔχων;

Isêgoria could be used, like *parrhêsia*, of free speech in a social context, but even in these instances it could have political overtones.[10] One striking occurrence of the word *isêgoria* in a not immediately political context comes from the Old Oligarch. His complaint is that under democracy even slaves are allowed to say what they like. We might have expected the less political word *parrhêsia* here, assuming that it was available to him when he was writing.[11] Here are two possible reasons for the Old Oligarch's choice of word. One is that he wishes to point out the slaves' equality of speech more than their free speech: the point is that they speak on equal terms with their masters.[12] The second, more political reason is that he is deliberately playing on the close association of *isêgoria* with *dêmokratia*, as if to say, 'they even allow their slaves to act like full citizens'.

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[9] Cf. Raaflaub 1985, 278.

[10] As perhaps at Aesch. 1.173, where the choice of the more ideological word strengthens his argument.

[11] On some of the following, cf. Raaflaub 1985, 279. Raaflaub, however, starts from the assumption that at the time when the Old Oligarch was writing the word *parrhêsia* was not available. This seems to me an unsafe assumption. This text is notoriously hard to date, but if it is possible, with Gomme 1962, to place it soon after 420, eight years after Euripides (*Hipp.* 421–424) used *parrhêsia* in front of a large theater audience, then we cannot easily assume that the Old Oligarch did not know the word.

[12] Cf. X. *Cyr.* 1.3.10, where *isêgoria* is used of drunken and rowdy speech and song, but quite appropriately, since subjects are enjoying equality of speech with their ruler.

If *isêgoria* primarily suggests *equality* of speech, usually in a political context, *parrhêsia* is a term, more closely connected with ideas of freedom, that can be used equally of social and political discourse. This freedom can be both a good and a bad thing, either a desirable privilege (as it is often in Euripides and Demosthenes—see below) or something likely to cause offense. I argue below that, though the idea was closely connected with Athenian citizenship, it was not a particularly ideological term. This becomes apparent partly because its use was frequently pejorative, and partly because, although it was connected with ideas of freedom, it was not considered a right. I will argue for this second point presently. As for its occasionally pejorative use, this ranges at the one extreme from the phrase τῆς δ' εἰς τοὺς θεοὺς παρρησίας (Isoc. 11.40), used of the poets' shocking tales about the gods, to several milder utterances from Demosthenes that imply the risk of causing offense. These formulas tend to take the form: 'I will/let me speak (the truth) to you with *parrhesia* (μετὰ παρρησίας)'.[13] The pejorative sense of *parrhêsia* can be explained to some extent if we consider the composition of the word: literally, to speak with *parrhêsia* is to say everything, which might mean everything, *good and bad.*

This sense of *parrhêsia* comes out clearly in Isocrates, who uses the word and the cognate verb παρρησιάζεσθαι frequently. For Isocrates, παρρησιάζεσθαι is to speak frankly or openly, but more specifically to say everything in the sense of saying both what one should and should not say. Essentially, to speak with *parrhêsia* in Isocrates is a freedom, inasmuch as παρρησιάζεσθαι is to speak unrestrained by anything that might normally encourage one to be more circumspect, perhaps a sense of shame,[14] or a fear of causing offense. The idea of the verb παρρησιάζεσθαι implying freedom, specifically freedom from fear of causing offense, comes across strongly in this passage from the *Panathenaicus* (Isoc. 12.96):[15]

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[13] For instance Dem. 3.3, 3.8, 6.31, 8.24, 10.54, 19.237, 23.204, 37.55.

[14] Isoc. 1.34, 12.218 (where the use of *parrhêsia* suggests a lack of *sôphrosunê*), 15.10 (where the participle πεπαρρησιασμένα is used of frank discussions of philosophy that are not appropriate for the court room).

[15] Cf. Isoc. 15.43. The noun παρρησία is used in a similar sense at 5.72, 15.179, 16.22, 9.39; cf. Dem. 9.3 (discussed below), and see n. 13 above. It can equally be used in the sense of blunt honesty amongst friends (Isoc. 3.3, 3.28). The ideas of offense and friendly criticism are contrasted at *Ep.* 4.4.

> Since, however, the impulse has come to me to speak with *parrhêsia* and I have freed my tongue … I must not be silent either about the other wrongs … (tr. Norlin, adapted)
>
> ἐπειδή περ οὖν ἐπελήλυθέ μοι τὸ παρρησιάζεσθαι, καὶ λέλυκα τὸ στόμα … οὐ κατασιωπητέον οὐδὲ περὶ τῶν ἄλλων κακῶν …

The distinction between *isêgoria* and *parrhêsia* is brought out nicely in another passage from Isocrates, the *Archidamus*. As this is an Athenian's idea of what a Spartan might have said, its ideology provides a sharp contrast with the Athenian model, but the terms used are the same (Isoc. 6.97):

> For it is disgraceful that we, who in former times would not allow even free men *isêgoria*, are now openly tolerating *parrhêsia* on the part of slaves. (tr. Norlin, adapted)
>
> ὡς ἔστιν ἓν τῶν αἰσχρῶν πρότερον μὲν μηδὲ τὰς τῶν ἐλευθέρων ἰσηγορίας ἀνέχεσθαι, νῦν δὲ καὶ τὴν τῶν δούλων παρρησίαν ὑπομένοντας φαίνεσθαι.

We have here a clear contrast between *isêgoria*, the ability of all citizens to speak on equal terms, which a constitution like Sparta's would not tolerate even among its free citizens, and *parrhêsia*, a general tendency to say what you like, which could be owned by non-citizens, even slaves.

We have therefore defined the two Greek words for free speech, *isêgoria* and *parrhêsia*, as follows. *Isêgoria* meant the equal opportunity to speak that one had under democracy: the most formal, as well as the most obvious, expression of this came, ideologically if not actually,[16] in the Assembly. *Parrhêsia* meant a tendency to say everything, uninhibited by any fear. This might be the fear—no longer present under democracy—of tyrannical authority (Athenian ideas of the effect of tyranny on free speech are discussed below); it might also be the fear of the usual rules of discourse that prevent shame for the speaker or offense for the listener.

3. Eleutheria *as a right*

In the model I gave in my introduction, I described the Greek idea of political freedom as something similar to a modern 'right', but the Athenian idea of free speech as something different. My first job, then,

[16] The reality was that the vast majority of speakers were of the elite: see Ober 1989, 112–118.

is to show that the Greeks were at least capable of viewing freedom in terms of a primitive rights system. I should say now what this system was not: it was not a system of universal human rights—a slave society could never admit this; nor were these rights necessarily inalienable—Athenian law provided for various different ways of removing the rights and privileges of individual citizens. But in a limited sense the Greeks did see freedom as their right: something that could not be taken away (at least from a Greek) with justice.

My discussion here will focus on political freedom, that is freedom from tyranny. Useful work has also been done on ideas of rights in the Greek concept of personal freedom, that is freedom from slavery. One example of such work is Miller 1995. Miller goes too far in talking of Aristotle's 'theory of rights'.[17] In fact he is far more successful in suggesting that it is Aristotle's interlocutors who occupy common ground with the early modern proposers of the Rights of Man: Aristotle refers to certain unnamed 'others', who did not only see slavery as something παρὰ φύσιν–against nature—but also, and crucially for the present purpose, saw the imposition of slavery as an injustice (*Pol.* 1253b20–23).[18]

Broadly, there are two objections to Miller's thesis. One is that the Greeks did not have a word for rights, the other is that rights such as freedom were only guaranteed by the laws of the city in which one happened to live.[19] The second of these objections can to some extent be answered by my concession that there was no concept of universal rights. As for the first objection, it is true that the Greeks had no word equivalent to our 'right', but they did have a strong concept of justice, with which, we have just begun to see, they could express ideas similar to our concept of rights.

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[17] For instance, a tendency to modernize wherever possible drives him (Miller 1995, 94–106) to find Aristotelian equivalents of each one of W.N. Hohfeld's four types of human right (on which, see Hohfeld 2001).

[18] These 'others' are perhaps represented by Alcidamas of Elis (supplied by schol. ad Arist. *Rhet.* 1373b18: ἐλευθέρους ἀφῆκε πάντας θεός. οὐδένα δοῦλον ἡ φύσις πεποίηκεν—'god left all men free; nature has made no one a slave'). This peculiarly modern sounding sentence is not so very different from the part of the 1776 US Declaration of Independence stating 'that all Men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness'. Further 'others', discussed but not named by Aristotle, argued that the convention of enslaving prisoners of war should be overruled by some higher law, in the same way that laws could be by the *graphê paranomôn* (*Pol.* 1255a8–12 with Miller 1995, 108–109).

[19] Dover 1974, 157.

The Greeks also had a strong concept of tyranny. For the purposes of my present argument, it is interesting that tyranny was closely associated with the denial of freedom. Indeed, the subjects of tyranny are frequently said in Greek literature to be enslaved.[20] My argument here is that it is impossible to entertain such a concept of tyranny without having some idea that the rights of the subjects of tyranny have been infringed.

Broadly speaking, to be a tyrant in Greek literature, either you or a recent ancestor has usurped power, and you are inclined to rule without regard to traditional restraints; this may make your rule despotic, even one of terror. It was possible, however, to be tyrant by being a usurper without going too far into the realms of terror; this was the case with Peisistratus, the retention of a bodyguard being perhaps the only way in which his rule went too far.[21] For our purposes, I propose to define a tyrant as a monarch who has not inherited his position, or who has inherited it, but from a usurper. This definition will be tightened up somewhat in the discussion that follows.

Now, if a monarch has not inherited his position, this does not automatically mean that he has no right to rule, but he may have replaced someone who did have such a right. To talk of a 'right to rule' exposes us to charges of anachronism, but I believe that this is an area where there may be some correlation between ancient and modern ideas of rights. A useful framework comes from Aristotle. In Book 3 of the *Politics* (1285a1–b33) tyranny is distinguished from kingship in that tyranny 'is held against the will of the subjects, since no free man willingly endures such rule'. In holding that someone with a right to rule has popular consent, Aristotle shares common ground with both Hobbes and Locke,[22] each of them important figures in the development of human rights theories. Locke had his influence on Jefferson, writing

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[20] E.g. A. *Cho.* 302–304, or in a different context, that of Athens as tyrant, Thuc. 1.121, 124. At Hdt. 5.62–65, the Athenians, by ridding themselves of tyranny, acquire *eleutheria*.

[21] Peisistratus' bodyguard: Hdt. 1.59 (Athenians tricked into consenting to this), 1.64 (hired, and therefore foreign?—see Arist. *Pol.* 1285a26–30 on the foreign bodyguards of tyrants). Peisistratus' rule as a 'golden age': [Arist.] *Ath. Pol.* 16 (cf. Ostwald 1969, 147); a less favorable appraisal is given at Isoc. 5.148.

[22] Hobbes, *Leviathan* pp. 187, 193, with Hampsher-Monk 1992, 39: that one consents to be ruled is what distinguishes citizens or subjects from slaves; Locke, *2nd Treatise* 95: 'Men being … by nature all free, equal and independent, no one can be put out of his estate and subjected to the political power of another without his own consent', cf. 96–99.

the 1776 Declaration of Independence, who spoke of governments as 'deriving their just powers from the Consent of the Governed'.

The idea of tyranny as rule without consent, and therefore an injustice, can apply to relations between states as well as within states; here I return to the fifth century and Thucydides' Melian dialogue. The argument of the Athenians here is a classic example of the sophistic position that to do what is advantageous to oneself is κατὰ φύσιν, and therefore right.[23] The Melians for the most part agree to argue on these terms, but not before attempting to bring justice into the argument. They concede that expediency—one's own advantage—is to be the guiding principle of their debate, and not justice, in these words (5.90):

> We are compelled [to speak of expediency], since you have in this way proposed we speak of what is advantageous, contrary to what is just.
>
> ἀνάγκη γάρ, ἐπειδὴ ὑμεῖς οὕτω παρὰ τὸ δίκαιον τὸ ξυμφέρον λέγειν ὑπέθεσθε.

On what grounds can the Melians assert that their independence is a matter of justice? They do not see the application of superior force as necessarily just: something else must be more important. Perhaps they see their freedom to rule themselves as something approximating to a human right.[24]

4. Parrhêsia *as an attribute*

The above falls short of a complete argument that the Greeks conceived *eleutheria* as their right, but it does suggest that in both the fifth and fourth centuries they were capable of entertaining such a concept. It therefore will not do to argue that classical Athenian free speech was something different from our idea of Freedom of Speech simply on the

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[23] On these sophists, see Antiphon *OP* 1364 F 1, 1797; Pl. *Grg.* 482c4–486d1; Guthrie 1969, 101–116; Kerferd 1981, 111–130.

[24] Another view on the question of Greek rights-based theories comes from Burnyeat 1994. Burnyeat's argument is based on the definition that (1) a right is a protected liberty (it relies on another person's correlative duty not to violate it); (2) a human right is a universal protected liberty. Universal principles held or recognized by ancient Greeks, says Burnyeat, generally put duties before rights, and are therefore not the same thing as our human rights, in which we put the right first, and deduce the duty from that. However, if I am correct about the point of view of the Melians in Thucydides, then here we have an example of a people who see their self-determination as their right, and use that to justify an Athenian duty not to interfere.

grounds that there was no Greek concept of rights. A more rigorous analysis of ancient Greek free speech becomes necessary. For the next part of this paper, I will argue that, even though the Greeks were quite capable of conceiving of freedom in terms of negative rights, they did not in fact conceive of free speech in these terms. What the Athenians called *parrhêsia* was more of a characteristic, or an attribute, of their citizenship than it was a right.

If the Athenians were capable of conceiving of *parrhêsia* in the same way as they conceived of *eleutheria*, we would expect them to see it as a negative freedom: in other words, just as *eleutheria* is a freedom from slavery or tyranny, we would expect *parrhêsia* to be a freedom from censorship. We have already begun to see *parrhêsia* as a tendency to speak with freedom, but more as a freedom from one's own sense of fear or shame, and less as a freedom from censorship or any other active form of coercion. Further, we would expect it to be a negative *right*: something that cannot be taken away with justice. We would therefore expect to see two things in our evidence. The first would be some effort, preferably legislative, on the part of the city to protect this right. The second, given that *parrhêsia* was owned by democracy, would be an idea, built into the democratic construction of tyranny, that tyrants tend actively *and unjustly* to restrict free speech. In fact, neither of these two things appears. The purpose of this section of my paper is to illustrate this point.

Under democracy, far from it being conceived as a right, free speech was something that could be compromised with apparent justice. It was recognized in the opening words of any Assembly meeting that citizens had free speech, but in other ways, Athenian laws seem designed to curb free speech, not to promote it.[25] It appears that the default situation was one of free speech, while the many exceptions were made explicit in positive law. The explanation for this, it will be seen, is not that speaking freely was considered an Athenian's right, but that it was considered characteristic of him.

There follows a list of just some of the laws designed to curb free speech.[26] For the purposes of this paper, I have left out the various

[25] We have no evidence of laws that specifically *protected* free speech, though there is evidence from the Roman period that the laws restricting free speech included a concession to comic poets (Cic. *Rep.* 4.10 with Rankin 1927, 217).

[26] For a fuller discussion of, and sources for, the Athenian laws against slander, see Wallace 1994.

attempts made, largely in the fifth century, to silence comic poets.[27] Three laws were specifically directed against free speech. The law against *kakêgoria* (also known as *loidoria*) prescribed a 500 drachmae fine for making certain false accusations, including those of murder, of striking one's father or mother and of throwing away one's shield; as with modern libel laws, and unlike with the next two I shall mention, that one had in fact made a true accusation could be used in defense.[28] It was forbidden to insult a magistrate while he was acting in his official capacity;[29] it was also forbidden to speak ill of Harmodius and Aristogeiton, the tyrannicides.[30] In addition to these laws specifically against speaking ill, Sommerstein (forthcoming) suggests that the law against impiety (*asebeia*) could easily be used against impious speech,[31] and the procedure known as *eisangelia* could be used against public speakers who had misled the people in a meeting of the Assembly.[32]

Why should the Athenians have wanted to curb *parrhêsia*? Here I think Robert Wallace gets it largely right:

> The Athenians revelled in *parrhêsia* and greatly enjoyed verbal attacks even on their most popular politicians. But they did not hesitate to restrict speech if the interests of the community were adversely affected.[33]

There is however a difference between Wallace's argument and my argument here: whereas Wallace appears to assume that *parrhêsia* in itself was unproblematic, instead problematizing the laws surrounding

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[27] These are discussed by Alan Sommerstein, this volume. See also Halliwell 1991, 54–66 (whose concern is to show that comic poets were not subject to the usual legal controls on free speech) and Sommerstein 2002 and 2004 (whose concern is to show that they were). A point that is underplayed by Halliwell, but made now by Sommerstein, is how unsuccessful both of the better-attested measures were: the one by Pericles in 440/39 in that it was short-lived; the one by Cleon in 426 in that it failed (Ar. *Ach.* 381–382 with Heath, 1987, 17, *pace* Halliwell 1991, 65 n. 66). That nobody during the period of Old Comedy managed to set permanent limits on poets suggests that, whether or not comedy was subject to the usual legal constraints on free speech, the tradition of ὀνομαστὶ κωμῳδεῖν was broadly accepted.

[28] Lys. 10, *passim.* Truth as a defense: Lys. 10.30 with MacDowell 1978, 128; Sommerstein 2004; *pace* Todd 1993, 260. By the time of Demosthenes, the law seems to have been extended to include making it a reproach to a male or female Athenian that they worked in the *agora* (Dem. 57.30), though here truth could not be used as a defense.

[29] Lys. 9.6–10, Dem. 21.32–33. See further Sommerstein 2004, and Wallace 1994, 113 on divergences between these passages.

[30] Hyp. *Phil.* 3.

[31] Sources for this law are given and discussed by MacDowell 1978, 197–202; Todd 1993, 307–315.

[32] On laws against 'misleading the people', see MacDowell 1978, 179–181.

[33] Wallace 1994, 124.

it, my argument is that *parrhêsia* was not always thought to be a good thing, and that the laws restricting it were there for a good reason. Wallace therefore is misleading when he says the Athenians 'revelled in *parrhesia*'.[34] In fact, *parrhêsia* is celebrated only by a minority of our sources, and even its principal cheerleader, Euripides, saw the disadvantages alongside the advantages. We are left with the impression that, at best, *parrhêsia* was a privilege enjoyed by the Athenians that sometimes needed to be restricted for the greater good of the city; at worst, it was a liability, an unfortunate side effect of the enfranchisement of all citizens: no wonder few others apart from Euripides were ready to celebrate it.

That the Athenians had laws that interfered with free speech is not in itself extraordinary: all democracies feel it necessary to protect their citizens against libel and misinformation. But the number of such laws used by the Athenians, and the severity of some of the punishments they prescribed, is perhaps significant. Even more remarkable is an apparent lack of objection to them. A commonplace of modern discourse on freedom of speech is perhaps this: 'you have no right to censor me; this is a democracy'. At first sight, Demosthenes appears to make such a case in the Third *Philippic* (9.3):

> I claim for myself, Athenians, that if I tell something of the truth with *parrhêsia*, you will take no displeasure at me because of this. For look at it this way. In other matters you think it proper that there should be such a general *parrhêsia* for everyone in the city that you even grant it to aliens and slaves, and one can see many household slaves among us saying what they want with greater licence than citizens in some other cities; but you have banished it completely from your deliberations.
>
> ἀξιῶ δέ, ὦ ἄνδρες Ἀθηναῖοι, ἄν τι τῶν ἀληθῶν μετὰ παρρησίας λέγω, μηδεμίαν μοι διὰ τοῦτο παρ' ὑμῶν ὀργὴν γενέσθαι. σκοπεῖτε γὰρ ὡδί· ὑμεῖς τὴν παρρησίαν ἐπὶ μὲν τῶν ἄλλων οὕτω κοινὴν οἴεσθε δεῖν εἶναι πᾶσι τοῖς ἐν τῇ πόλει, ὥστε καὶ τοῖς ξένοις καὶ τοῖς δούλοις αὐτῆς μεταδεδώκατε, καὶ πολλοὺς ἄν τις οἰκέτας ἴδοι παρ' ἡμῖν μετὰ πλείονος ἐξουσίας ὅ τι βούλονται λέγοντας ἢ πολίτας ἐν ἐνίαις τῶν ἄλλων πόλεων, ἐκ δὲ τοῦ συμβουλεύειν παντάπασιν ἐξεληλάκατε.

[34] Whereas I agree only partially with the views given in Wallace 1994, I am entirely in sympathy with his paper that appears in the present volume. In particular, a historical reason why *parrhêsia* was not a right, but an attribute that depended heavily on the confidence of the individual, is put plausibly and succinctly: 'Modern traditions of free speech protect the rights of individuals against society or government. The Athenians did not share this perspective. The Athenians had no experience of heavy bureaucratic oppression. They did have experience of tyranny'.

Appeals to be heard occur very frequently in oratory, though only Demosthenes sometimes expresses them using the language of *parrhêsia*.[35] These appeals, however, are not made from a position that assumes the speaker's right to free speech; rather, the speaker tends to recognize that to be allowed to speak uninterrupted is in the gift of the Assembly/jury, and he is prepared to be refused. Demosthenes' appeal appears to come closer than most to making a claim on *parrhêsia* as his right under a democracy: he discusses *parrhêsia* as a feature of democracy, and his use of the verb ἀξιῶ might put one in mind of the claim right proposed by Hohfeld.[36] However, it is not strictly speaking *parrhêsia* to which he lays a claim, but rather that he should not be subjected to the ὀργή of his audience. Moreover, though he characterizes *parrhêsia* as a something citizens think it proper (οἴεσθε δεῖν) to grant, he does not go so far as to say that an injustice has been done when it has not been granted, strong though the language of his final claim is (especially in the dramatic phrase παντάπασιν ἐξεληλάκατε).[37] I know of only two places in the extant corpus where a speaker comes closer to making an appeal like the modern commonplace I give above, and neither speaker is intended to be taken seriously (Ar. *Thesm.* 540–543, Theophr. *Characters* 28.6):

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[35] See above, n. 13. The Demosthenic *Exordia* frequently make use of such appeals (as Robert Wallace notes elsewhere in this volume), without using the language of *parrhêsia*. Such appeals are made in a different context at Pl. *Apol.* 20e, 21a: these appeals serve the dual purpose of making the *Apology* read like a 'real' speech, and implying what Socrates has already said at 20d, that ἴσως … δόξω τισὶν ὑμῶν παίζειν.

[36] Hohfeld 2001, 53–54: however, it cannot be a Hohfeldian claim right, since this would impose a contractual duty on the Assembly/jury to listen—a duty which, Wallace argues elsewhere in this volume, they did not have. Foucault 2001, 31–38, discussing E. *Bacch.* 664–676 and *El.* 1055–1060, proposes the idea of a 'parrhesiastic contract, in which a more powerful person promises to a lesser figure that they can speak freely'. But Foucault's examples are both far from democratic: I discuss them below in the context of tyranny. In addition, the relationship in each case is not really a political one: Pentheus is speaking to his slave, and Clytaemnestra to her daughter, who is as good as enslaved. If anything, democratic practice, and especially the practice of the democratic Assembly, made such a contract impossible: the contract—which might have given a speaker in the Assembly a kind of contractual right—was in no one person's gift. An orator could appeal to be heard without interruption, but, short of the Assembly taking a vote that bound it to silence (which, Wallace implies, would be unheard of in the democratic Assembly), the orator can do little more than hope to be given his wish.

[37] Cf. Foucault 2001, 85: 'but *parrhêsia* [in Demosthenes] is usually spoken of as a personal quality, and not as an institutional right. Demosthenes does not seek or make an issue of institutional guarantees for *parrhêsia*, but insists on the fact that he, as a personal citizen, will use *parrhêsia* because he must boldly speak the truth'.

No, no, ladies, please, not my pussy! Am I, when there's *parrhêsia* here, and when all of us here who are citizens are entitled to speak–am I, for saying what I considered to be right in defence of Euripides, to be punished for that by your plucking my hairs out?

(tr. Sommerstein, adapted)

μὴ δῆτα τόν γε χοῖρον, ὦ γυναῖκες. εἰ γὰρ οὔσης
παρρησίας κἀξὸν λέγειν ὅσαι πάρεσμεν ἀσταί,
εἶτ' εἶπον ἁγίγνωσκον ὑπὲρ Εὐριπίδου δίκαια,
διὰ τοῦτο τιλλομένην με δεῖ δοῦναι δίκην ὑφ' ὑμῶν;

And he will say many slanderous things about his friends and relations, and about the dead, misnaming his slander *parrhêsia* and democracy and *eleutheria*, and making it the most pleasurable of the things in his life.

καὶ πλεῖστα περὶ τῶν φίλων καὶ οἰκείων κακὰ εἰπεῖν καὶ περὶ τῶν τετελευτηκότων, κακῶς λέγειν ἀποκαλῶν παρρησίαν καὶ δημοκρατίαν καὶ ἐλευθερίαν καὶ τῶν ἐν τῷ βίῳ ἥδιστα τοῦτο ποιῶν.

Both Euripides' In-law and the Slanderous man come close to making a modern, rights-based argument: the In-law implies that he should not be punished, and gives *parrhêsia* in the Assembly as grounds for this argument; the Slanderous Man appears to suggest that there is some justification under democracy for what would be seen by most as unacceptable behavior. However, in both cases we are already disposed not to take the argument seriously. The In-law has no business attending an Assembly for women, and therefore no entitlement to speak. The slanderous man is already behaving unacceptably and (by slandering the dead) in theory illegally.[38] One might perhaps wonder whether the speakers themselves expect to be taken seriously making such an appeal: perhaps the In-law does not, and his appeal to *parrhêsia* is only made out of a desperation that derives from the double fear of pain and of being unmasked. The Slanderous Man's appeal is far from desperate, yet it appears he does expect to be taken seriously. He is a man who, it has already been seen, speaks κακῶς; his over-casual invocation of *parrhêsia* and *dêmokratia* seems all the more brazen.

Aristophanes and Theophrastus are writing for different purposes, and more than one hundred years apart, so any parallels I draw here are tentative. However, at the very least, we can say that appeals to *parrhêsia* similar to modern ones to Freedom of Speech as one's democratic right are very rare in the literature that we have. A bolder

[38] Plut. *Sol.* 21.1; Dem. 20.104, 40.49.

interpretation is that one only usually took refuge in such an appeal when desperate, and that in doing so one risked making oneself look ridiculous.[39]

So far, we have established that democracy offered no legal protection for *parrhêsia*. If *parrhêsia* was conceived of as a negative right guaranteed by democracy, we might also expect to see evidence of tyrants restricting free speech. It appears that a Greek of the fourth century would have found it plausible that a tyrant can restrict free speech, if the following quotation from Plato is to make sense (Pl. *Rep.* 567b):

> Soc.: So won't some of the bolder characters among those who helped him to power, and now hold positions of influence, begin to speak freely to him and to each other, and blame him for what is happening?
>
> Ad.: Very probably.
>
> Soc.: Then, if he is to retain power, he must root them out, all of them, till there's not a man of any consequence left, whether friend or foe.
>
> (tr. D. Lee)

> Οὐκοῦν καί τινας τῶν συγκαταστησάντων καὶ ἐν δυνάμει ὄντων παρρησιάζεσθαι καὶ πρὸς αὐτὸν καὶ πρὸς ἀλλήλους, ἐπιπλήττοντας τοῖς γιγνομένοις, οἳ ἂν τυγχάνωσιν ἀνδρικώτατοι ὄντες;
>
> Εἰκός γε.
>
> Ὑπεξαιρεῖν δὴ τούτους πάντας δεῖ τὸν τύραννον, εἰ μέλλει ἄρξειν, ἕως ἂν μήτε φίλων μήτ' ἐχθρῶν λίπῃ μηδένα ὅτου τι ὄφελος.

Here Plato clearly expects tyrants to imprison or otherwise dispose of those who wish to παρρησιάζεσθαι—exercise *parrhêsia*.

However, I am not aware of any accounts of *historical* tyrants restricting free speech. Why should such evidence be hard to find? Because, I would suggest, to speak with *parrhêsia* is to be freed from one's own sense of fear: a tyrant sees little need actively to discourage free speech when his very person is discouraging enough. Crucially, the subjects of tyranny who in Plato's imagination operate free speech are only the bravest (ἀνδρικώτατοι), the ones who felt most confident to do so.[40] Because *parrhêsia* is only an attribute, and not anyone's right, it is not so much something a tyrant actively restricts, as something his subjects are indisposed to exercise.

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[39] Likewise, there are hints of both desperation and an expectation not to be taken seriously at Dem. 9.3: Demosthenes is 'a man boasting of his unpopularity; and [his] tone … is consciously paradoxical' (Todd 1993, 312 n. 26).

[40] The relation between courage and *parrhêsia* in Plato is discussed, elsewhere in this volume, by Marlein van Raalte.

As our concern here is how the citizens of democracy saw free speech, of particular interest is how democratic literature makes a connection between tyranny and the restriction of free speech. There is little evidence, and all the literary sources of which I am aware come from tragedy. It will be seen first that the way in which one speaks in front of a tyrant is indeed a matter of confidence, and second that, while the lifting of tyranny gives rise to more-free speech, this freedom was not in every case actively restricted by the tyrant; rather, the more-free speech comes as a result of the greater confidence allowed by the lifting of tyranny. Further, any restriction of free speech under tyranny is not viewed as an injustice; this points out a crucial difference from denials of *eleutheria*.[41]

That free speech in front of tyrants is a matter of confidence can be seen from the way in which different kinds of people assert it. Slaves and lower class characters are scared of the tyrant, or of his reputation, and this affects the freedom with which they express themselves. In Euripides' *Bacchae* (668–669), the messenger says to Pentheus θέλω δ' ἀκοῦσαι, πότερά σοι παρρησίᾳ / φράσω ('I wish to hear whether I can tell you with *parrhêsia*'). This messenger does not seem aware of any standing tyrannical restriction on free speech, he is just scared; the guard in Sophocles' *Antigone* acts in much the same way when in Creon's presence.[42] Characters who are nearer to social equality with the tyrant, on the other hand, assert themselves more boldly; consider Teiresias, speaking to Oedipus in one of his more tyrannical moods (S. *OT* 408–410):

[41] See Thuc. 5.90, discussed above. The denial of *eleutheria* under tyranny could be described as an injustice in tragedy, as in Euripides' *Heracles*. At 165–169, Lycus defends his intention to kill the sons of Heracles, using similarly self-interested language to that of the Athenians in the Melian dialogue. Then at 250–251 he reminds them: μεμνήσεσθε δὲ / δοῦλοι γεγῶτες τῆς ἐμῆς τυραννίδος. He leaves the stage, and the chorus describe him as (256–257) ὅστις οὐ Καδμεῖος ὢν / ἄρχει κάκιστα τῶν ἐμῶν ἔπηλυς ὤν—that he is not a Cadmean, from Thebes, accounts for the description of his rule as κάκιστα, a description that is qualified by Megara a few lines later when she refers to their ὀργὰς δικαίας (276, cf. 772–773).

[42] Creon does not specifically restrict the guard's speech, but issues vague threats (280–281) and complaints (316, 320) in response to his words. Rather than to silence the guard, the (effective) tactic of this tyrant is to accuse the guard of doing the deed himself, unless he can prove otherwise (306–314). It is the threats included in these lines (at 308–309) to which the guard refers later (391), not any threat to shut him up. In any case, the guard is scared to speak before any threat is even issued (223–236).

> Even though you are king, we may be equal so far as to answer word for word; for there too I have power, since I live not as your slave, but that of Loxias. (tr. Lloyd-Jones)

> εἰ καὶ τυραννεῖς, ἐξισωτέον τὸ γοῦν
> ἴσ' ἀντιλέξαι· τοῦδε γὰρ κἀγὼ κρατῶ.
> οὐ γάρ τι σοὶ ζῶ δοῦλος, ἀλλὰ Λοξίᾳ·

The use of the gerundive ἐξισωτέον suggests an obligation, and therefore perhaps a right, to an *isêgoria* implied by the words ἴσ' ἀντιλέξαι. So does the suggestion that in this respect they are equal in status (κἀγὼ κρατῶ). But Teiresias only says this because he answers to a higher authority: like Antigone before another Sophoclean tyrant, he *knows* he has a god on his side. This is what gives him the confidence to answer back. Even if Teiresias did conceive of his equal speech as a right, this is not, in this play, a right guaranteed by a democracy. Another place where a tragic character has the confidence to speak freely is Euripides, *Electra* 1049ff., where Electra wishes to say what she wants before Clytaemnestra about her father's death. Although Electra has been married to a peasant, she still has the confidence to speak with *parrhêsia* before Clytaemnestra, a regicide and the wife of a tyrant. Although this privilege has already been promised by her mother (1049), Electra is careful to clarify the terms of this promise, to secure complete ability to free speech, to saying what she likes. This reflects the confidence that derives from her status.

In another tragic source, from Aeschylus' *Persians*, there is admittedly the implication of an active restriction of free speech, which might be lifted under democracy. Here, the chorus anticipate the release of Ionia from Persian rule, and sing (*Pers.* 591–594):

> Men's tongue is no longer imprisoned; the folk have been released to speak freely, because the yoke of power has been broken. (tr. Edith Hall)

> οὐδ' ἔτι γλῶσσα βροτοῖσιν
> ἐν φυλακαῖς· λέλυται γὰρ
> λαὸς ἐλεύθερα βάζειν,
> ὡς ἐλύθη ζυγὸν ἀλκᾶς.

These lines are full of the language of freedom: λέλυται … ἐλεύθερα … ἐλύθη; in addition, the initial image of a γλῶσσα … ἐν φυλακαῖς is similar to the idea of Isocrates having freed his tongue (λέλυκα τὸ στόμα, on which see above). However, neither this nor any other of the tragic sources discussed here suggest that the restriction of free speech

under tyranny was conceptually similar to the denial of *eleutheria* under tyranny. Such denial of *eleutheria* could be considered an injustice, but no such idea is attached to the denial of *parrhêsia*: the reason for this, I would suggest, is that *parrhêsia* was not considered anyone's right.

Our evidence does not offer what we might expect from fictional tyrannies invented for the entertainment of democrats: *parrhêsia* is more a thing that the subjects of tyranny are afraid to exercise than something that the tyrant actively restricts. Under democracy, this fear is removed, hence a naturally greater degree of *parrhêsia*, but hence also a need for laws to stop this *parrhêsia* getting out of hand.

5. *The confidence to speak*

Parrhêsia under democracy, therefore, depended not on a freedom from censorship protected by law but on the confidence in giving one's own opinion that came naturally with democratic citizenship.[43] That *parrhêsia* was a matter of confidence is illustrated also by Euripides. Although, as will be seen, he can also show himself aware of the drawbacks of *parrhêsia*, he is the principal advocate of its virtues in surviving fifth-century literature. This places him at odds with many of our other sources,[44] but it also leaves him best placed to explain the connection between *parrhêsia* and Athenian citizenship. This connection comes across strongly in *Ion* (671–675):

> May it turn out that my mother is of Athenian stock so that I can enjoy *parrhêsia* inherited from my mother. The fact is that if an outsider lands in a city of pure blood, then, though he be a citizen in theory, he possesses the voice of a slave and does not have *parrhêsia*. (tr. K.H. Lee, adapted)
>
> ἐκ τῶν ᾿Αθηνῶν μ' ἡ τεκοῦσ' εἴη γυνή,
> ὥς μοι γένηται μητρόθεν παρρησία.
> καθαρὰν γὰρ ἤν τις ἐς πόλιν πέσῃ ξένος,
> κἂν τοῖς λόγοισιν ἀστὸς ᾖ, τό γε στόμα
> δοῦλον πέπαται κοὐκ ἔχει παρρησίαν.

[43] See further Ryan Balot, elsewhere in this volume, on the 'civic courage' that was 'the precondition of exercising democratic free speech'. Cf. also Foucault 2001, 15.

[44] It is impossible to guess why Euripides makes a habit of idealizing Athenian free speech while other contemporary writers, including Sophocles in his extant work, do not even mention it, and fourth-century sources, with the notable exception of Demosthenes, appear to take a different line. The most obvious possible explanation is that on occasion Euripides was criticized publicly for his work, therefore he felt a greater need than he might have done to defend his entitlement to say what he liked.

It is certainly true that the *parrhêsia* that Ion covets would be something inherited from his mother (μητρόθεν): a reference, some suggest, to Pericles' citizenship law. Further, he goes on to compare lack of freedom of speech to slavery.[45] This does not, however, make free speech a right in the same sense as freedom from slavery, merely a privilege that derives from one's citizen status. The point becomes clearer in these lines from *Hippolytus* (*Hipp.* 421–424):

> No, may they [my children] flourish and dwell in the famous city of Athens as free men with *parrhêsia*, with a good reputation in regard to their mother. For this enslaves a man, even one who is bold-hearted, whenever he is aware of his mother or his father's wrongdoings.
>
> (tr. Halleran, adapted)

> ἀλλ' ἐλεύθεροι
> παρρησίᾳ θάλλοντες οἰκοῖεν πόλιν
> κλεινῶν 'Αθηνῶν, μητρὸς οὕνεκ' εὐκλεεῖς.
> δουλοῖ γὰρ ἄνδρα, κἂν θρασυσπλαγχνός τις ᾖ
> ὅταν ξυνειδῇ μητρὸς ἢ πατρὸς κακά.

Here, we see, it is not enough to have two parents of citizen stock; they must also be *respectable* parents. Like Ion, Phaedra goes on to liken loss of *parrhêsia* to slavery, but here it is made far more clear that this is nothing like actual slavery: loss of *parrhêsia* appears to be a loss of self-confidence; its most unexpected victim is the 'bold-hearted' (θρασυσπλαγχνός). Having two citizen parents does not give you *parrhêsia* in the sense that you inherit a legal entitlement to free speech; it merely gives you the status (provided neither parent has done anything dreadful) of someone able to speak their mind with confidence.[46]

Since *parrhêsia* was a matter of confidence, not right, it was not confined to citizens, but could be adopted by others, simply as a result of residence in Athens. Sources other than Euripides, among them Demosthenes in a passage quoted above, attribute *parrhêsia* to metics and slaves.[47] Iolaus in Euripides' *Heraclidae* (181–183) can claim the ability to speak with *parrhêsia*, even though just a visitor to Athens.

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[45] Cf. E. *Phoen.* 390–392.

[46] Cf. Barrett ad loc.: 'let a man feel himself (for whatever reason) the inferior of others, and his tongue is tied for shame: his παρρησία has deserted him with his self-respect'.

[47] Dem. 9.3; cf. [Xen.] *Ath. Pol.* 1.12.

6. *The lack of ideology surrounding* parrhêsia

The idea that *parrhêsia* was nothing more (or less) ideological than a citizen attribute—something an Athenian was more likely to display than a citizen of another city—is of course easier for a modern observer to grasp, who has access to the kind of ancient–modern comparison used in this paper. However, the literature that we have is not at variance with this point of view. Even where Euripides celebrates *parrhêsia* alongside democracy, he presents it as a privilege of citizenship rather than as a right. That *parrhêsia* is not discussed in heavily ideological terms can further be illustrated from its relative absence from extant funeral orations, where if anywhere one expects to find all the elements of democratic ideology.[48] There is only one occurrence of the word in such a speech, which again comes from Demosthenes (60.26):

> But Democracies possess many other good and just features, to which the right-thinking ought to hold fast, and it is impossible to deter *parrhêsia*, which depends upon speaking the truth, from exposing the truth. For it is not possible for those who do something shameful to win over all the citizens; the result is that even one man, uttering a true reproach, still vexes him.
>
> αἱ δὲ δημοκρατίαι πολλά τ᾽ ἄλλα καὶ καλὰ καὶ δίκαι᾽ ἔχουσιν ὧν τὸν εὖ φρονοῦντ᾽ ἀντέχεσθαι δεῖ, καὶ τὴν παρρησίαν τὴν ἐκ τῆς ἀληθείας ἠρτημένην οὐκ ἔστι τἀληθὲς δηλοῦν ἀποτρέψαι. οὐδὲ γὰρ πάντας ἐξαρέσασθαι τοῖς αἰσχρόν τι ποιήσασιν δυνατόν, ὥσθ᾽ ὁ μόνος τἀληθὲς ὄνειδος λέγων λυπεῖ·

At first sight, Demosthenes appears to be presenting *parrhêsia* in strongly ideological terms: it is portrayed as chief among the qualities associated with a democracy that are καλός and δίκαιος, and that right-thinking men should hold on to; it is closely associated with telling, and not hiding the truth. This is what we might in any case expect from any discussion of democracy as part of a funeral speech. Demosthenes' *explanation* of *parrhêsia* in democracy, however, is less ideological and more practical. It is merely a condition of right action. If one contrasts the frequent treatment of *eleutheria* in funeral speeches, as something for which Athenians have fought and continue to fight,[49] Demosthenes' treatment

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[48] See above, n. 3.

[49] Thuc. 2.36.1, 2.43.4; Lys. 2.24, 33–35, 41–47, 61–62, 68; Pl. *Menex.* 239a–b, 242b–c; Hyp. 6.10–11, 16, 19, 24, 34, 40; Dem. 60.23, cf. 60.10 on the Athenians as κοινῆς σωτηρίας … αἴτιοι).

of *parrhêsia* seems even less ideological: it is part of the apparatus of democracy, but not, like *eleutheria*, one of its aims.[50]

7. Isêgoria*: a positive right?*

Parrhêsia, then, was more the attribute of a citizen than his inalienable right. Further, to speak with *parrhêsia* was considered a freedom, but only for those who had the courage to exercise it, a courage that many citizens gained under democracy. How does this reading of *parrhêsia* illuminate *isêgoria*? We have seen that *isêgoria* means 'equality of speech', and that its use, for example in the Old Oligarch, can overlap with that of *parrhêsia*: in these cases our conclusions on *parrhêsia* can perhaps be applied directly to the other word. Here, however, I want to concentrate on a narrower sense of the word, a sense it did not share with *parrhêsia*, that of the equality of opportunity to speak in the Assembly. It is tempting, using the definitions of negative and positive freedom followed by Hansen,[51] to say that, if *parrhêsia* was a freedom, then it was a negative freedom, and that *isêgoria* was a positive freedom. As for the first statement, we have seen that *parrhêsia* was a concept that the Athenians associated more with freedom from one's own fear than with freedom from external coercion, and so it was not really considered a negative freedom in the fullest modern sense of that phrase. As for the second statement, if we define a positive freedom as a freedom that cannot exist independently of its political context, then we can say that, in its sense of the equal opportunity to speak in the Assembly, *isêgoria* was a positive freedom.[52]

But this opportunity was not to be abused, hence the number of laws restricting free speech that related to speech in the Assembly. In addition, there were ways in which the Assembly frequently prevented

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[50] Cf. Thuc. 2.40, where speech before action is a tendency of the Athenians–and a worthwhile one—but not a principle; in other words, something Athenians do, but not something they *ought* to or have the *right* to do.

[51] Hansen 1989, 8–11. He follows the distinction provided by Berlin 1969, even though he takes issue with Berlin's dismissal of any Greek concept of individual liberty, and even though Berlin ultimately aims to point out the difficulties associated with the idea of positive freedom.

[52] We have already seen that the Euripidean Theseus classes *isêgoria* as a freedom. A view of *isêgoria* that places it closer to an attribute than a right comes at Thuc. 2.40: see above, n. 50.

its members exercising *isêgoria*: see Robert Wallace's brilliant discussion of *thorubos*, elsewhere in this volume. In practical terms, then, *isêgoria* was not what we would consider an inalienable right; what, however, of its ideological formulation? Even in ideological statements, we get a sense of the constraints on *isêgoria*. Where the Euripidean Theseus (quoted above) defines *eleutheria* in terms of *isêgoria*, the operative word in his definition is χρηστόν: citizens were not supposed to say anything they liked, but only what they hoped would become beneficial to the city. Much of the legislation restricting free speech in the Assembly was designed to discourage people whose advice might turn out not to be χρηστόν. This means that the following statement was one with which the Athenians must have agreed: 'All citizens have *isêgoria*, but they must not exercise this with too much *parrhêsia*'. This statement finds some support in Euripides' *Orestes*, one of the few places where he uses the word *parrhêsia* in a pejorative sense (E. *Or.* 902–905):

> Next there stood up a man with no shutters to his mouth, strong on audacity, an Argive but not an Argive—pressurised—reliant on hectoring and untutored *parrhêsia*. (tr. West, adapted)

> κἀπὶ τῷδ' ἀνίσταναι
> ἀνήρ τις ἀθυρόγλωσσος, ἰσχύων θράσει,
> 'Αργεῖος οὐκ 'Αργεῖος, ἠναγκασμένος,
> θορύβῳ τε πίσυνος κἀμαθεῖ παρρησίᾳ.

This man, like any citizen of what I take here to be an Argive democracy, has *isêgoria* in the Assembly. The problem is that he exercises this *isêgoria* with an 'untutored' *parrhêsia*.[53] He does not appear to know the etiquette: perhaps this is why the messenger who relates this scene appears to doubt his citizenship.[54]

The two sides to *parrhêsia*—a social privilege that could at times be a political liability—are reflected in this well-known part of the Periclean funeral oration (Thuc. 2.37.3):

[53] His *parrhêsia* is perhaps associated with a freedom from shame: on a γλῶσσα that is ἄθυρος, compare Isoc. 12.96 (λέλυκα τὸ στόμα), discussed above.

[54] More literal explanations have been offered: on the suggestion that this man is a foreigner posing as an Argive citizen on Tyndareus' instructions, see Willink ad loc.; the scholiast suggests that this is a jibe at Cleophon, an Athenian of Thracian extraction. Demosthenes makes several mentions of the risks associated with speaking in the Assembly with too-great *parrhêsia*: Dem. 3.3, 4.51, 8.32, 9.3 (discussed above), 10.54, 15.1.

> We are free and tolerant in our private lives; but in public affairs we keep to the law. This is because it commands our deep respect. (tr. Warner)
>
> ἀνεπαχθῶς δὲ τὰ ἴδια προσομιλοῦντες τὰ δημόσια διὰ δέος μάλιστα οὐ παρανομοῦμεν.

Likewise, *parrhêsia* was principally a general inclination not to be inhibited in speech, and it was an attribute of a citizen of Athens that possibly extended to members of his household, even his slaves. When, however, it came to showing this attribute in the Assembly, the law made provision that uninhibited speech did not get out of hand. It was characteristic of a citizen to say what he liked, but in no way his inalienable right.[55]

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[55] An earlier version of this paper was given at the Department of Classics, University of Reading. I have benefited from the comments of those present both in Reading and at Pennsylvania; also of the editors and the anonymous reader. My thanks go also to Nicholas Denyer, Christopher Pelling and Alan Sommerstein, who read and commented on different drafts of this paper.

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CHAPTER TEN

THE POWER TO SPEAK —AND NOT TO LISTEN— IN ANCIENT ATHENS

Robert W. Wallace

1. *Introduction*

Parrhêsia and *isêgoria*—'free', 'frank', and 'equal speech'—were central qualities of democratic ideology and also of daily life in Athens. When the herald called out to the assembled *dêmos* 'who wishes to speak?',[1] many citizens responded. The so-called 'Old Oligarch' complains that 'crazy people', 'any base fellow who wants to, stands up and speaks and attains what is good for him and those like him', 'any citizen who wants can speak on equal terms' (Ps.-Xen. *Ath. Pol.* 1.2, 6, 9). Even during the so-called 'period of the *rhêtores*' in the fourth century, Isocrates notes that sometimes the wisest speakers miss the point and an ordinary person, 'deemed of little account and generally ignored', comes up with a good idea and 'is judged to speak the best' (12.248). In this same period the Demosthenic *exordia* (model beginnings of Assembly speeches) show how ordinary citizens might address their peers. The 13th *exordium* begins:

> Perhaps to some it might seem offensive, Athenians, if a private citizen and one of the many, like you, should come forward, after others who are eminent for long political experience and reputation have stated their opinions, and say that he thinks the others are not only wrong but not even near to discerning what ought to be done. Nevertheless, I feel so confident that I am going to give more profitable counsel than theirs that I do not hesitate to declare all they have said to be worthless.

Mogens Hansen (1984) has calculated that from 355 to 322 BCE (years when our evidence is fullest), as many as 1,400 citizens made formal proposals in the Assembly.

Isêgoria, 'equal speech' in public assemblies, was complemented by *parrhêsia*, open and candid speech in private and public life. Plato char-

[1] Aristoph. *Ach.* 45; *Thesm.* 379; *Eccles.* 130; Dem. 18.170.

acterizes democracies first by *parrhêsia* and *eleutheria*, 'freedom' (*Rep.* 557b). Demosthenes says that even Athens' house-servants speak with greater *parrhêsia* than citizens in other city states (9.3). In assemblies, courts, and theater, Athenians were free to say almost anything, including blatant vituperation. In 323, Deinarchus calls Demosthenes—a senior statesman, now over 60—'this beast', 'this hireling', 'open to bribes', 'a thief and a traitor', this 'juggler', 'this person to be spit upon! this Scythian!—really I cannot contain myself' (1.10, 15, 28, 41, 77, 92). Open, untrammeled speech, mocking, reviling, often coarsely obscene, is a notorious facet of Old Comedy. As Moses Finley has observed,[2] Aristophanes and other playwrights repeatedly criticized Athens' war effort against Sparta. Yet year after year these plays were performed before the *dêmos* at public expense. Finley notes, 'The phenomenon has no parallel known to me'. Aristophanes treats the democracy, Athens' politicians, and even the gods with obscene irreverence. An equal freedom applied in tragedy, where year after year, farmers, craftsmen, and sailors bought theater tickets to hear sometimes shocking blasphemies against the gods. Athens welcomed all sorts of philosophers, some saying outrageous things against the social and religious bases of society. While despising its democracy, Socrates never left Athens, for there alone he was free to speak. Xenophon remarks (*Mem.* 1.1.10) that Socrates always lived and talked in the open. 'He was usually talking, and anyone who wanted to could listen', *tois de boulomenois exên akouein*—neatly inverting the democratic formula that anyone who wanted could speak. The cynic Diogenes moved to Athens from the Black Sea around 360, and proudly cultivated *parrhêsia*.

Yet despite this and other evidence, many scholars contend that the Athenians did not possess free speech. Notwithstanding Aristophanes' criticisms of the war, Finley writes that in Athens,

> what was wholly lacking was a conception of precisely those inalienable rights which have been the foundation of the modern libertarian doctrine: freedom of speech, of religion and so on … The Athenian state … could make inroads into freedom of speech and thought, and did so when it chose … Even though every citizen had the right of free speech, in practice most could make no use of it. A fifth-century Athenian Thersites could not have been beaten by a nobleman for his presumption; he would usually have been shouted down by his equals.[3]

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[2] Finley 1985, 119–122.
[3] Finley 1976 [1982], 82.

Like Finley, Robert Mulgan mentions the Athenians' 'remarkable freedom of expression', but which 'the community could override and punish at any point',[4] as in the case of Socrates. 'A society which could unquestioningly tolerate such a vague and general charge against one of its citizens can hardly be said to have believed in any fundamental right of free expression'. Carlo Natali remarks: 'It seems certain … that in ancient Athens political democracy was not as closely associated with freedom of speech as it is today. Everybody was supposed to be free to express his opinions, but only if he was a morally acceptable person and his opinions were not too much out of harmony with prevailing views'.[5] Similar conceptions recur in many eminent authorities, from Fustel de Coulanges to Isaiah Berlin.[6]

As these scholars make clear, the three main reasons for discounting free speech in Athens are, first, *thorubos*, 'hubbub', which the assembled masses often directed against public speakers; second, the alleged obligation speakers felt to agree with—or rather, pander to—the *dêmos*; and third, the execution of Socrates on a religious charge. Each of these points requires clarification.

2. *Free speech and* thorubos

Regarding hubbub, the Athenian *dêmos* certainly felt no obligation to sit quietly and listen to talk they objected to. They freely interrupted: *thorubos* included cheers, shouts, heckling, and laughter. In an Assembly in 425 (as Thucydides describes it, 4.28):

> The Athenians started to make noise at Cleon (*hupothorubein*), asking why he did not sail … The more Cleon kept declining the expedition and retracting what he had said, the more the Athenians—as a mob loves to do—kept urging Nicias to resign and kept shouting to Cleon that he should sail.

In 404 when Theramenes proposed that Athens be entrusted to thirty men, Lysias says the Assembly 'raised a *thorubos* against this' (12.73). In 349 Demosthenes complained to the Assembly, 'you conduct your politics by companies. Each company has a *rhêtôr* as leader, a general

[4] Mulgan 1984, 15.
[5] Natali 1987, 234–235.
[6] Fustel de Coulanges 1882, 293–298; Berlin 1958[1969], xl–xli.

under him, and 300 men to shout' (2.29). The fourth Demosthenic *exordium* begins:

> Since, men of Athens, you can choose whatever you wish of what is spoken, it is fair that you listen to all of them. From the *thorubos* when displeased, you may perhaps deprive yourselves of many useful ideas; by listening with decorum and silence you will act on every sound proposal.

As a model useful for orators, this text implies that *thorubos* could normally be expected. Many of the 56 Demosthenic *exordia*—5, 10, 17, 18, 28, 29, 33, 34, 44, 47, 49, and 56—beg the *dêmos* not to interrupt or order the speaker to sit down, but to please hear him out. Aeschines confirms that in 346, as president of the Assembly, Demosthenes refused to put to a vote a motion on allying with Philip. However, the people 'shouted and called the board of presidents to the orator's platform, and so against his will the motion was voted' (2.84–5).

Hubbub was also common in court. According to Aristophanes' *Wasps*, the dikasts shouted *katába*, *katába*, *katába*, *katába*, 'get down!', which Bdelycleon says many litigants misunderstood, thinking they had won their case (Aristoph. *Wasps* 979–81). The dikasts' oath to listen to both sides has been interpreted as a measure against *thorubos*.[7] A litigant in Demosthenes begs the judges to please listen quietly to his presentation (57.1). In Demosthenes 45.6, Apollodorus states that the judges were so impressed by his opponents' false evidence that they 'refused to hear a single word from me'. He was 'denied the opportunity to speak and was outraged as no other man had been'.

The Athenians did not hesitate to object to speakers, and not only by shouting. According to Xenophon (*Mem.* 3.6.1), Plato's brother Glaucon 'more than once' was dragged off the *bêma* ('the speaker's platform') 'an object of ridicule', because he insisted on addressing the Assembly although 'he was ignorant of what was said there'. Isocrates says, 'in the past you Athenians have been accustomed to drive from the *bêma* everyone except those who speak in favor of your desires' (8.3). When in 346 a certain Pyrrhandrus stepped forward to rebuke the *dêmos* for laughing at certain unintended *double entendres* by an Areopagite, the *dêmos* 'drove him off the *bêma*', calling out—supposedly—that 'the truth has got the better of all the calculations of men' (Aeschin. 1.84). Plato's Socrates says that when dealing with a project like ship building, the Assembly summons shipbuilding experts (Pl. *Prt.* 319b–c):

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[7] Dem. 24.151, see Bers 1985, 7 with refs.

> If anyone else tries to give advice whom the people do not consider an expert, even if he is very handsome or wealthy or nobly born, it makes no difference. They ridicule and raise a hubbub until the man trying to speak is either shouted down and gives way, or else is dragged off or ejected by the Scythian police on orders by the presiding authorities.

What is the significance of *thorubos*? Does it mean that the Athenians did not enjoy free speech, despite *isêgoria* and *parrhêsia*? On the contrary, in thus denying the Athenians free speech, Finley and the others view *thorubos* from modern rather than Athenian perspectives. In the US, guarantees of free speech are in the first instance directed against oppression by the government or other authorities. The First Amendment specifies: 'Congress shall make no law … abridging the freedom of speech'. The freedoms associated with modern liberal society emerged in the seventeenth and eighteenth centuries, in reaction to what has been called the heavy bureaucratic state. In practice, free speech is typically invoked to protect the right to open political debate and the unrestricted expression of unpopular or offensive opinion. Newspapers may publish what they see fit; neo-Nazis can parade in Jewish communities; *Hustler*'s coarse vulgarities cannot be banished from public newsstands. One principal drawback to this mode of free speech is that in the name of a higher good, the community must sometimes endure what it finds patently offensive. A further drawback is that non-governmental authorities consistently censure public speech—that is nowhere forbidden. Rupert Murdoch prints only what he sees fit to print, effectively silencing everyone else.

Although free speech at Athens is one source of modern democratic ideals, in Athens the concept of free speech functioned very differently. For the Athenians, *isêgoria* and *parrhêsia* included the power to speak in public, to participate frankly and openly in civic debate, and to say what one wanted, including insults. As Thucydides' Pericles twice says (2.40.2, 2.60.6), free and open discussion is necessary for successful governing. Yet Athens' democracy was no oppressive, heavy bureaucratic state. It was a community of citizens, governing in their own interests. *Thorubos* reflected community interests in three ways.

In the Asssembly, *thorubos* had the practical purpose of regulating debate. The Athenians set no official time limits for Assembly speeches. *Thorubos* was a negative vote by the people, constituting the fundamental power of the community to decide what it would listen to. All citizens could freely address the Assembly. No one could demand that the *dêmos* hear him out for as long as he wanted to speak.

Second, *thorubos* represented the community's power of free speech. The 28th Demosthenic *exordium* observes:

> If you refuse to listen, some will say that you mistake your own interest, and others that whatever someone [of the public audience] wishes to say, this is what he will say.

Thorubos provided the public a way to express their views.

Third, and even more important, is *thorubos*'s political justification. In Greek ideology and practice, the obligation to sit quietly without speaking, to listen silently to whatever someone said, was a hated characteristic of monarchy, tyranny, and oligarchy. In Aeschylus' *Persians*, the defeated Persian elders lament (591–594):

> No longer for mortals is the tongue under guard. For the people have been set loose, to bark *eleuthera*, 'free things', now that the yoke of military might has been loosed.

In *Prometheus Bound*, the chorus warns Prometheus that he is 'too free in his speech' (*eleutherostomein*) for tyrant Zeus's liking (line 180). In Sophocles' *Antigone*, Creon's son Haemon tells his increasingly tyrannical father (690–692; 757):

> Your presence frightens any man of the people (*dêmotês*) / from saying things you would not care to hear. / But in the dark corners I have heard them say … You expect to be listened to, but not to listen.

Thucydides reports that during the oligarchic coup of 411, all the speakers in the Assembly and council came from the oligarchs (8.66.1):

> People were afraid when they saw their numbers, and no one now dared to speak in opposition to them. If anyone did venture to do so, some method was soon found for having him killed … Instead the people kept quiet.

In 404, Lysias writes, after the Assembly 'raised a hubbub' when Theramenes proposed that Athens be entrusted to thirty men,[8] Theramenes replied that he cared nothing about their hubbub, because he had the support of Sparta and other Athenians. The *dêmos* now realized that a conspiracy was in progress (Lys. 12.73–5):

> All the good men (*andres agathoi*) in the Assembly remained and were quiet, or else took themselves off, conscious at least that they had voted nothing harmful to the city.

[8] See section 2, *ad init.*

Hubbub's disadvantage for the polis is of course that some people are deprived of the opportunity fully to explain their ideas. As the 28th *exordium* notes, 'if you refuse to listen, some will say that you mistake your own interest'. How responsibly did the *dêmos* use its power to silence speakers? The attested instances—Plato's brother Glaucon (who was still a teenager), Pyrrhandrus and the Areopagite, Cleon attempting to dodge military service, various non-experts—all look like reasonable uses. No fan of Athens' democracy, Thucydides mentions no case where *thorubos* improperly ended an Assembly debate.

Furthermore, none of the speakers driven from the *bêma* mentions *parrhêsia* or the right to be heard without interruption. On the contrary, Aeschines states that some politicians 'shamelessly' refuse to yield to the people's shouting and step down (1.34). Demosthenes reports that when he tried to counter Aeschines in an Assembly in 346 (19.23–24):

> Aeschines and Philocrates posted themselves on either side of me and kept shouting and interrupting, and finally jeering at me. You were all laughing, you would not listen to me … and by the gods I think your feelings were quite natural.

In [Demosthenes] 45.6–7, Apollodorus says that at first he was bitter at his treatment by the dikasts, but on reflection he thought 'there was abundant excuse for those who gave that verdict'. The 56th *exordium* begins:

> It seems to me a fine and seemly thing, Athenians, for a man who has persuaded himself that he has something advantageous to say, to rise up, but to force those to listen who do not wish to seems to me altogether shameful.

The speaker begs that, as for his own speech, the public please 'listen in silence'.

Modern values of free speech protect the rights of individuals against society or government. The Athenians did not share this perspective. They had no experience of heavy bureaucratic oppression. They did know about tyranny. In Athens' democracy, every citizen had the freedom to speak. However, community interests came first. The power to shout down stupid or windy speakers was democratic freedom. The denial of that freedom was oligarchy or tyranny.

3. *Free speech and the mob*

Was Athens then a tyranny of the mob? Could people of contrary opinions not argue their case? Elite Athenians unsympathetic to the democracy often raised that accusation. The Old Oligarch states that the Athenians enjoyed free speech only until the *dêmos* came under attack (2.18). Plato's Socrates claims that it was not safe to oppose the people (*Apol.* 31e). Isocrates says the Assembly was intolerant of those it suspected of anti-democratic sentiment (7.58). According to him, Athens' democracy knew no freedom of speech unless one went along with the crowd. 'You are as ill disposed to those who rebuke and admonish you as to those who do some evil to the polis' (8.14).

These criticisms are mostly unjustified. Many whose loyalties were unquestioned, like Aristophanes, freely criticized the *dêmos*. In *Acharnians* Dicaeopolis says (370–376):

> I know the ways of the farmers, who are overjoyed when some windbag praises them and the city, justly or unjustly. They cannot see they're being sold out. I know the hearts of the old men that look for nothing except stinging someone with voting pebbles.

The *parabasis* of *Acharnians* remarks that the Persian king had asked whether Athens or Sparta had received 'plenty of abuse'—*kaka polla*—from Aristophanes, 'for those people have been made much better men, and will win the war decisively, with him for an adviser' (lines 647–651). Aristophanes dishes out other criticisms of the *dêmos* in *Knights* (e.g., 1263) and *Clouds* (e.g., 1088–1100). In *Frogs* the chorus leader complains to the *dêmos* about its treatment of Athens' *kaloi kagathoi*, its 'fair and good' (717–731):

> Citizens who we know are well born and *sôphrones*, 'self-controlled', just, upper-class gentlemen, brought up on the wrestling ground and in choruses and in music. These we maltreat, [... instead following] *ponêroi*, 'base fellows', the sons of *ponêroi*.

This passage sounds like the Old Oligarch! Cleon prosecuted Aristophanes for 'slandering the city in front of foreigners', because his comedy *Babylonians* represented Athens' allies as Babylonian slaves. Cleon represented these slanders as harming the community (*Ach.* 501–508). The *dêmos*, however, acquitted the comic playwright.

This same freedom to criticize the *dêmos* applied in the Assembly. Thucydides' Pericles criticizes the *dêmos* for losing its grip (2.60). Cleon lambasts them for changing their minds, and insults the democracy

for 'stupidly introducing competitive speech displays' where audience members appreciate cleverness at the expense of sound policy (3.37–38). As we have seen, Demosthenes rebukes the Assembly for conducting politics 'by companies, with a *rhêtôr*, a general, and three hundred to shout'. Demosthenes laments the reluctance of Assembly speakers to incur the *dêmos*'s displeasure by proposing any practical measures—in a speech that is full of them (6.3).

> Whoever often opposes your wishes for the sake of what is best, and never speaks to win favor, but always what is best, and … makes himself accountable …, that man is truly brave, and he is the useful citizen. (8.69)

Demosthenes observes that one main difference between Athens and Sparta is that in Athens one can praise Sparta and denigrate Athens, but the Spartans can only praise Sparta (20.106). Just so, in the depths of the Peloponnesian War, Aristophanes' *Lysistrata* ends with two long choruses by Spartans in praise of Athens' enemy (lines 1247–1272, 1296–1317). The 46th Demosthenic *exordium* begins:

> It is of course difficult to rise up to speak before you in your own defense, just as it is easy to speak against you. I do not think there are any other people in the whole world who would listen so complacently when reminded of their real faults as you do when you are reviled for faults that are not yours … Of all peoples you are the keenest to listen to whatever anyone might say against you.

In the years before Athens' oligarchic coup in 404, many citizens hostile to democracy, including Critias and Socrates, openly and publicly criticized Athens' government, in the agora and elsewhere.

After 404, however, one single argument was excluded from public discussion, and for a compelling historical reason. Having endured a murderous oligarchy, the Athenians no longer readily tolerated proposals to modify the democratic constitution. In 358, Isocrates' *Areopagiticus*—published, not delivered—included a constitutional proposal that restricted some democratic freedoms. His next two texts, *On Peace* and *Antidosis*, retracted all of it, presumably because advocating a restricted democracy had caused him the trouble he feared. Some people 'warned me that I even ran the risk, although giving you the very best advice, of being thought an enemy of the people and of seeking to turn the polis into an oligarchy' (7.57, cf. 8.51, 95, 15.285). This same reason helps explain why Middle and New Comedy increasingly avoided the political contentiousness, the ridicule of the *dêmos* and democracy, that before 404 was so marked a feature of the comic stage. The oligarchic

slogan *patrios politeia*, 'ancestral constitution', disappears from public discourse for eighty years after 404. Alternative euphemisms such as *patrios dêmokratia* and *patrios dioikêsis*, 'ancestral management', show that criticism of the democracy remained possible, provided it did not smell too much of 404. Within the walls of the Academy Plato and others freely criticized democracy in their teachings and writing. They did not, however, expound such ideas in public, and posed no threat to Athens.

4. *Socrates' execution*

Of the three reasons why scholars deny Athens free speech, only the execution of Socrates remains to be discussed. This is not the place for an extended analysis of the complex problems linked with that event. Socrates was expressly charged with impiety. There can be no doubt that for some Athenians Socrates' unconventional religious ideas were a subject of concern. In addition, Athens' defeat in the Peloponnesian War may well have stirred up a superstitious search for impiety, and a scapegoat. How significant were such pietistic sentiments in classical Athens? Socrates had had unconventional religious ideas for decades. His pupil Plato continued to have them, and with impunity.

Contemporary sources attest that a principal reason for Socrates' condemnation was his students' and friends' involvement in the murderous 404 oligarchy. 'The accuser' in Xenophon's *Memorabilia* (1.2.12) observes that Socrates taught both Critias, 'the most avaricious and violent of all the oligarchs', and Alcibiades, 'the most dissolute and arrogant of all the democrats'. According to Xenophon (*Mem.* 3.7.9), Socrates convinced the oligarch Charmides to enter politics. Isocrates (11.5) reports that in his attack on Socrates in 392, Polycrates argued that Socrates had been the teacher of Alcibiades. Aeschines expressly says that the Athenians executed Socrates because he was 'the teacher of Critias, one of the Thirty who put down the democracy' (1.173). Hansen (1995) points out that of the fifteen persons who talk with Socrates in Plato's dialogues and whose political affiliations are known, only five are loyal democrats (and one of these is Socrates' prosecutor Anytus). The remaining ten were 'crooks and traitors'. By contrast, Socrates' prosecutor Anytus was a politically engaged supporter of the democracy. In Plato's *Apology* 24b, another prosecutor, Meletus, claims to be *philopolis*, a 'lover of the city', a 'patriot'.

For 70 years Socrates remained in Athens, telling all who would listen of his contempt for his city's government, and proclaiming that he made his students morally better. The terrible events of 404 showed his fellow countrymen the menace he was. Furthermore and even worse, after 404 Socrates continued to proclaim in public that democracy was a bad form of government and should be replaced. As Plato represents him in 399, Socrates tells his citizen judges (*Apol.* 29d):

> I will obey the god rather than you, and as long as I draw breath and I am able, I shall never stop practicing philosophy and exhorting you.

After 404, such talk was dangerous treason. A majority of Athenians refused to countenance it, for a compelling historical reason.

Socrates' execution was a unique event in Athens (Wallace 1994), reflecting extraordinary circumstances. The Athenians did not wish to silence Socrates. They did wish to eliminate a dangerous threat to their democracy. His condemnation does not reflect Athenian attitudes toward religious speculation or free speech. The Athenians limited free speech (and other freedoms) only to protect the democracy from substantive, material harm. Otherwise, they reveled in *isêgoria* and *parrhêsia*, and greatly enjoyed attacks not least on popular politicians. A remarkable phenomenon especially where social codes were dominated by public honor and shame, *isêgoria* and *parrhêsia* are a tribute to the Athenians' openness and feisty spirit, and their mentality of freedoms unregulated by the polis.

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CHAPTER ELEVEN

FREE SPEECH, COURAGE, AND DEMOCRATIC DELIBERATION

Ryan K. Balot

1. *Introduction*

This paper will discuss 'free speech' as a feature of political rhetoric in democratic Athens. As a political term, 'free speech' was often expressed by the Greek word *isêgoria*, which emphasizes the equal opportunity of all citizens to speak freely in political forums. 'Free speech' was also commonly expressed by the word *parrhêsia*, which lays stress on frank and outspoken speech.[1] In the political world of democratic Athens, freedom of speech was a privilege that derived from a citizen's status *qua* citizen. Unlike slaves, foreigners, metics, and Athenian women, Athenian citizen males were both permitted and encouraged to engage in frank and open discussion about matters of public concern.[2] A well-known symbol of the privilege is the herald's standard question before the assembly: 'Who wishes to speak?' (Dem. 18.170, cf. Aesch. 1.23–24, 3.4). Beyond its status as a privilege of citizenship, however, free speech was always a central element of democratic ideol-

[1] On the 'constant interplay' of freedom and equality in Athenian political thought and practice, see Hansen 1991, 85. On the limitations imposed on free speech in cases of slander and defamation, i.e. uttering abusive words that were in Attic law considered *aporrhêta* and therefore punishable, see MacDowell 1978, 126–129.

[2] See David M. Carter elsewhere in this volume for a thoughtful reconsideration of whether the language of 'rights' can be applied to Greek conceptions of freedom, and in particular Athenian conceptions of free speech (*parrhêsia* and *isêgoria*). As my use of the word 'permitted' (rather than 'entitled') indicates, I take a minimalist position on using the language of 'rights' in relation to democratic free speech. As Ostwald 1996 has demonstrated, Greeks understood citizens as organically 'sharing in' their communities: they had access to certain privileges (like holding office) and special duties to their communities, but did not understand this relationship in terms of claims, rights, or entitlements. For a largely similar verdict on the question, see Cooper 1999, who argues, however, that we could usefully recover the language of rights for study of the ancient world, so long as we recognize the corollary importance of duties, and so long as we distinguish ancient 'rights' from the metaphysical 'rights' of the Hegelian tradition. For a different view of the case, see Monoson 2000, 51–63.

ogy, particularly in arguments that democracy was superior to other forms of political organization. For example, Demosthenes observed with pride that at Sparta one could not praise the laws of Athens or any other state, whereas at Athens one could praise whatever laws one liked (20.106; cf. E. *Suppl.* 438–441; Hdt. 5.78). As every speaker recognized, however, contributing to public debate could be hazardous: speakers could be shouted down, informally harassed for their views, or, perhaps worst of all, haled before a court of law on the charge of making an illegal proposal. In ideological representation, therefore, free speech had substantial benefits to offer the citizenry, but in practice it entailed grave risks for the speaker.

The bulk of this paper will treat the conflict between the perceived benefits and the potential hazards of free speech. I will argue that this conflict resulted in the orators' development of a discourse on civic courage—a virtue that, they claimed, enabled them to steer an honorable course in public life. In section 2, building on the arguments of Monoson, Saxonhouse, and Ober, I will discuss the ideology of free speech, and particularly its benefits, as expressed primarily by the fourth-century orators (but including certain relevant examples from Thucydides).[3] Specifically, I will focus on the orators' attempts to justify and explain Athenian free speech, and to use free speech as a foundation for claims of superiority over the Athenians' non-democratic rivals. In making their arguments, Athenian speakers had more to offer than simple chauvinistic pride. Rather, they rationally justified free speech by linking it to other values, institutions, and practices of the democracy. In particular, they developed a model of democratic deliberation, which, they argued, enabled Athenians to reach rational decisions through the practice of free speech.

In the course of making their arguments, however, speakers also recognized that certain conventional Athenian practices tended to limit the untrammeled exercise of the privilege. The status-based, positive freedom to participate could not amount to much if individuals were confronted with *de facto* obstacles to participation. After laying out the hazards of free speech, both in ideological representation and in real life, I will argue in section 3 that orators had to take these risks into account if their ideologically informed models of democratic deliberation were to appear realistic.

[3] Monoson 1994, 2000; Saxonhouse 1996; Ober 1989.

In section 4, I argue that the orators foregrounded the dangers of free speech in order to claim courage for themselves. Because free speech played a special role in democratic deliberation (section 2), and because, nevertheless, free speech was seen as entailing substantial risks (section 3), the orators' courage was a uniquely valuable part of the democratic system. The orators strove to define their courage in a novel democratic idiom that corresponded to Athens' novel egalitarian political structures and ideology of free speech. Civic courage, as they conceived of it, was central to the viability of specifically democratic deliberation because it was the precondition of exercising democratic free speech. The orators' understanding of civic courage helped make their public, ideologically informed conversations about democracy and free speech more plausible. With Roisman, elsewhere in this volume, I argue that the orators used the rhetoric of courage to strengthen the image of themselves which they projected. However, whereas Roisman is primarily interested in the role that courage and other masculine values played in the power struggles between the orators and their democratic audiences, I am concerned rather with their belief that their courage enabled them to make a unique contribution to the quintessentially democratic ideals of deliberation to which they subscribed. Thus Roisman and I have reconstructed two different but complementary facets of the democratic relationship between free speech and courage.[4]

In the fifth section, I show that orators were also capable of reversing the thesis that free speech requires courage. In other words, they argued, especially in funeral speeches, that courage could be produced effectively through specifically democratic modes of free speech. This reinforces the point that Athenian democrats used their ideology of free speech in order to claim superiority over their non-democratic rivals.

In the concluding section, I show that, according to Athenian speakers, democratic deliberation contained resources that made the practice of free speech less hazardous than might be thought at first glance. This does not reduce the importance of their discourse on courage, but it tends to suggest that, upon reflection, democratic discourse is powerful and effective enough to be capable of dispensing with any extraordi-

[4] In another illuminating argument, Roisman 2003 shows that orators manipulated the ill-defined and highly flexible Athenian conceptions of courage in order to serve their own rhetorical strategies, but there he does not focus on freedom of speech, so much as on the rhetoric of war and peace, and on the relationship between 'manliness' (*andreia*), on the one hand, and civic obedience and individual honor, on the other.

nary display of courage. This belief in Athens' deliberative resources stood in some degree of tension with the speakers' (often self-interested) emphasis on their own courageous free speech.

What emerges from all of these sections is the highly productive capacity of free speech—not only to make proper deliberation possible, but also, as the orators argue, to produce courage itself, and to alleviate the dangers of being a active public speaker.[5] In the representations of the orators, therefore, free speech played a powerful role in shaping the character of the Athenian political community.

2. *Ideological constructions of the benefits of free speech*

In the classical period it was easy to attack free speech and democratic deliberation. Attacks on democracy often concerned how free speech was practiced and the political results to which it led. The infamous Theban herald in Euripides' *Suppliant Women*, for example, criticizes both the deception and the social subversion made possible by free speech:

> The city I have come from is ruled by one man and not by a rabble. There is no one to fool the city with flattering speech and lead it this way and that to suit his own advantage. … The better sort find it a sorry business when a man of low birth, a former nonentity, achieves prominence by entrancing the common people with his glib tongue.
>
> (410–425, tr. Kovacs)[6]

In this example the herald criticizes democracy because its cherished freedom of speech leads to deception and to the political elevation of, in his view, unworthy citizens. Other critics, such as Thucydides, represented democratic free speech and deliberation as prone to a combustible mixture of lies, deception, and narrowly self-interested greed.[7] During the Mytilenian debate, for example, Diodotus argues that:

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[5] Following Hansen 1991, 143–144, 266–271, I will use the term 'public speaker' (and sometimes 'orator') to refer to those who were prominent in the community's political life, as opposed to those who made proposals or spoke only occasionally.

[6] πόλις γὰρ ἧς ἐγὼ πάρειμ' ἄπο/ ἑνὸς πρὸς ἀνδρός,οὐκ ὄχλῳ, κρατύνεται·/ οὐδ' ἔστιν αὐτὴν ὅστις ἐκχαυνῶν λόγοις/ πρὸς κέρδος ἴδιον ἄλλοτ' ἄλλοσε στρέφει./ … ἣ δὴ νοσῶδες τοῦτο τοῖς ἀμείνοσιν,/ ὅταν πονηρὸς ἀξίωμ' ἀνὴρ ἔχῃ/ γλώσσῃ κατασχὼν δῆμον, οὐδὲν ὢν τὸ πρίν.

[7] For this point in general, see Ober 1998, 94–104; Balot 2001a, 159–172.

> It has become the rule also to treat good advice honestly given as being no less under suspicion than bad, so that the man with good advice must tell lies in order to be believed, just as a man who gives terrible advice must win over the people by deception.
>
> (Thuc. 3.43, tr. Woodruff, adapted)[8]

His point is that in practice democratic free speech and deliberation do not guarantee reasoned discussion; rather, they tend to promote irrationality and bad faith.[9] Still other critics emphasized the excessive freedom and tolerance of democracy (Plato, *Rep.* 557b–558c) or the likelihood that *parrhêsia* will be offensive (Eur. *Or.* 902–905). In pointing out the recklessness of Athens' current political advisors, Isocrates even claimed that true freedom of speech does not exist in Athens, because the people will not listen to those who rebuke them (8.14).[10] The self-conscious arguments in favor of democratic free speech and deliberation originated in a contentious climate of political discourse in Athens.[11]

Against such assaults on their cherished free speech, democrats had a reply ready to hand in their vision of public, rational debate promoted by the deliberations of the Assembly. To think through the benefits and demands of the democratic process, the orators developed an understanding of democratic deliberation that emphasized the advantages of permitting free speech and dissent and the wisdom of decisions reached through the resulting process.

Most importantly, perhaps, they argued that democratic audiences profited from hearing citizens frankly express novel or dissenting views.[12] As Demosthenes put it,

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[8] καθέστηκε δὲ τἀγαθὰ ἀπὸ τοῦ εὐθέος λεγόμενα μηδὲν ἀνυποπτότερα εἶναι τῶν κακῶν, ὥστε δεῖν ὁμοίως τόν τε τὰ δεινότατα βουλόμενον πεῖσαι ἀπάτῃ προσάγεσθαι τὸ πλῆθος καὶ τὸν τὰ ἀμείνω λέγοντα ψευσάμενον πιστὸν γενέσθαι.

[9] Hesk 2000 is an important contribution to our understanding of deception in democratic ideology; on the Mytilenian debate in particular see Hesk 2000, 248–255 on the 'rhetoric of anti-rhetoric'.

[10] Cf. 'Old Oligarch' (ps.-Xen. *Constitution of the Athenians*) 1.6–8, 1.12.

[11] The best recent discussion of the critics of Athenian democracy, with particular reference to democratic free speech as a 'speech act', is Ober 1998.

[12] My view of free speech and democratic deliberation shares elements with Monoson 2000, 54–61, who emphasizes *parrhêsia* as a form of critical political speech; and Ober 1989, 163–165, 295–298. Whereas Monoson emphasizes intellectual autonomy as the central virtue enabling the system to work (56), however, I would stress civic courage (section 4, below), which the orators themselves highlight in addressing the *dêmos*.

> As I see it, men of Athens, no one with sense would reject the idea that it is best of all for the city to do nothing disadvantageous to begin with; but, if that does not happen, no one would deny the value of having those who will immediately object present. (*Ex*. 49.1)[13]

His assumption is that members of the audience would benefit from examining suitably justified challenges to their own preconceptions.[14] This emphasis on dissent qualifies another common sentiment expressed by the orators, which is that they should try to give voice to the values and beliefs which they share with the many. As Demosthenes says in *On the Crown*,

> But it is not the speech of a rhetor, Aeschines, or the power of his voice which are his worth, but it lies rather in his preference for the same things as the many and in his hating and loving the same men as his homeland. When a man has such a disposition, everything he says will be patriotic. (18.280)[15]

The *dêmos* wanted to believe that its speakers were both patriotic and like-minded with them, but also capable of raising intelligent objections and refining or even reversing previous decisions. Thus, speakers could argue that patriotism was shown paradigmatically in the attempt to persuade the *dêmos*, against its own inclinations, to do what is best for the city, instead of gratifying fleeting desires for pleasure.[16]

A major benefit of hearing objections raised in public is that individuals might come to prefer more sensible proposals and begin to revise their own opinions; indeed, the *dêmos* as a whole might vote for revised proposals on the basis of intelligent objections to previous decisions. Thucydides' Diodotus asserted that the revisability of decisions and norms is a central source of political strength in the democracy (3.42).[17]

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[13] οὐδέν' ἂν εὖ φρονοῦντ' ἀντειπεῖν, ὦ ἄνδρες Ἀθηναῖοι, νομίζω, ὡς οὐχ ἁπάντων ἄριστόν ἐστι τῇ πόλει, μάλιστα μὲν ἐξ ἀρχῆς μηδὲν ἀσύμφορον πράττειν, εἰ δὲ μή, παρεῖναι εὐθὺς τοὺς ἐναντιωσομένους.

[14] Cf. Dem. 3.32; 10.54; *Ex*. 44.1, 47.3; Isoc. 8.14; Monoson 1994, 181–182.

[15] ἔστι δ' οὐχ ὁ λόγος τοῦ ῥήτορος, Αἰσχίνη, τίμιον, οὐδ' ὁ τόνος τῆς φωνῆς, ἀλλὰ τὸ ταὐτὰ προαιρεῖσθαι τοῖς πολλοῖς καὶ τὸ τοὺς αὐτοὺς μισεῖν καὶ φιλεῖν οὕσπερ ἂν ἡ πατρίς. ὁ γὰρ οὕτως ἔχων τὴν ψυχήν, οὗτος ἐπ' εὐνοίᾳ πάντ' ἐρεῖ. The translation is from Ober 1989, 167 (adapted). See Ober 1989, 166–174 for an illuminating discussion of this passage. Monoson's discussion (1994, 174–185) does not fully take into account this expectation that orators will both articulate and help to refine the views of the *dêmos*, both of which require civic courage.

[16] Cf. Aesch. 3.127; Dem. 3.3, 3.21–22, 6.3, 9.3–4, 9.63, 10.54; Ober 1989, 321–322.

[17] For the importance of the revisability of democratic decisions and norms as expressed in this speech, see Saxonhouse 1996, 72–79. For an interesting statement,

This revisability extends beyond the Assembly's collective reconsideration of actual decisions already taken, such as the decision to execute the Mytilenians, to the citizens' individual revision of viewpoints they once held, if good reasons were presented to the contrary (*Ex.* 44.2). Even if the Athenians were not persuaded by what they heard, they still benefited from listening to contrary positions, since they could then feel more confidence in their previous decisions, and achieve greater unanimity in supporting them (*Ex.* 47.2). All things considered, these arguments suggest that it is a matter of prudence and self-interest for the *dêmos* to permit all Athenian citizens to speak freely, especially if their views were novel or dissenting. This is why Demosthenes could argue that it was a matter of patriotic duty for Athenians, as lovers of the city, to grant 'frank speech' (*parrhêsia*) to those willing to address the Assembly (*Ex.* 27.1).

In modern political thought, these would be considered powerful communitarian, and utilitarian, arguments for the political virtues of democratic free speech. But in the contentious, and often anti-democratic, world of classical Greek political thinking, the Athenians found it important to buttress these interlocking claims with an explanation of the prudence and rationality of the decisions reached through collective deliberation. In part their explanation focused on the intelligence of the democratic audience; one of the central planks of democratic ideology was the good judgment of democratic audiences. For example, Thucydides has Athenagoras, the Sicilian orator, say, 'I say that though the rich are the best people for looking after money, the best counselors are the intelligent, and that it is the many who are best at listening to the different arguments and judging between them' (6.39, tr. Warner).[18] Other passages emphasize the *dêmos*'s cleverness in comprehending speeches (Dem. 3.15), its general good judgment (Dem. 23.145–146), and its reputation for superiority in political deliberation (Dem. 23.109). Speaking of its laws rather than its decisions in the Assembly, Aeschines argues that the *dêmos* (*qua* jury) is 'naturally more clever than other men' (1.178, tr. Adams).[19] Naturally, these arguments are highly contextual and can be balanced against others (e.g., Thuc. 3.38, Isocr.

however, of the potential pitfalls of revising a decision once made on good grounds, see Dem. 10.75.

[18] [ἐγὼ δέ φημι] … ἔπειτα φύλακας μὲν ἀρίστους εἶναι χρημάτων τοὺς πλουσίους, βουλεῦσαι δ' ἂν βέλτιστα τοὺς ξυνετούς, κρῖναι δ' ἂν ἀκούσαντας ἄριστα τοὺς πολλούς.

[19] ἐπιδέξιοι δ' οἶμαι φύντες ἑτέρων μᾶλλον.

8.14; Dem. 10.75) in which speakers berate the *dêmos* for its irrationality, fickleness, and lack of insight.[20] But in general speakers praised their fellow citizens for intelligence and good sense, emphasizing in other words the collective 'wisdom of the masses'.[21]

A linked, but not identical, idea can be found in Aristotle's famous 'summation argument' in the *Politics*:

> There is this to be said for the many: each of them by himself may not be of a good quality; but when they all come together it is possible that they may surpass—collectively and as a body, although not individually—the quality of the few best … For when there are many, each has his share of goodness and practical wisdom. (1281a42– b5, tr. Barker)[22]

In Aristotle's view the *dêmos* is a better judge of music and poetry because different individuals can judge different parts of the artistic works, and all of them can judge the works as a whole (1281b7–10). This is often called the 'summation argument' because Aristotle assumes that the virtues and intelligence of individual members of the *dêmos* work according to an additive principle—added all together, they amount to more than the virtues and intelligence of a few oligarchs or other non-demotic participants. As we have seen, Athenian orators could be sympathetic to this view, insofar as it shows how the *dêmos* could function intelligently and make wise decisions.

The orators, however, went beyond arguing for democratic rationality on the basis of an additive principle, specifically by explaining the key role of free speech in its incarnation as confidently spoken dissent. Free speech enabled differences of opinion to be expressed, and therefore more cogent arguments produced, and better judgments formed, in the Athenian Assembly.[23] Implicitly contrasting Athens with Sparta, Thucydides' Pericles said, 'We believe that what spoils action is not speeches, but going to do what is necessary without first being instructed through speeches' (2.40, tr. Woodruff [adapted]; cf. Monoson

[20] See Joseph Roisman in this volume for a highly illuminating discussion of the orators' occasional questioning of the *dêmos*'s wisdom, which he interprets as part of the power struggle between the *dêmos* and its leaders.

[21] Ober 1989, 163.

[22] τοὺς γὰρ πολλούς, ὧν ἕκαστός ἐστιν οὐ σπουδαῖος ἀνήρ, ὅμως ἐνδέχεται συνελθόντας εἶναι βελτίους ἐκείνων, οὐχ ὡς ἕκαστον ἀλλ' ὡς σύμπαντας … πολλῶν γὰρ ὄντων ἕκαστον μόριον ἔχειν ἀρετῆς καὶ φρονήσεως. A strong analysis of the summation argument in its philosophical and democratic context can be found in Ober 1998, 319–324; cf. Ober 1989, 163–165.

[23] See Monoson 1994, 179–184 for further exploration of this view.

1994, 179).[24] Rational decision-making resulted not so much from an Aristotelian, quasi-mystical summation or addition of individual perceptions, but more from the free play of debate within the assembled group, and from the citizens' willingness to revise previous points of view based on their debates. As the speakers knew well, this required an audience willing to listen to the debates and to learn from them (Dem. *Ex.* 49.1). One speaker, therefore, openly criticized his fellow-citizens for not waiting to hear all sides of a question explored through speeches, but, rather, asking impatiently and prematurely what to do (Dem. 10.11, 10.28–29). The ideal, by contrast, was that democracy has a particular way of making the native perceptiveness of individuals count, that is, through encouraging freewheeling dissent, novel ideas, and challenges to convention. Individuals willing to make arguments in the Assembly had to confront the disagreements of others and to refine or revise their own views accordingly. Thus, Athenians believed deeply that the democratic Assembly could produce rationally justified decisions when individuals expressed their own views publicly, articulated their reasons before others, gave an impartial hearing to reasoned alternatives, and voted for measures after due reflection (Thuc. 2.40; 6.39; Dem. 1.1, 2.31, 8.1; Aesch. 1.178). Every citizen potentially had something to contribute (Isocr. 12.248). In the ideological constructions of the orators, therefore, the Athenians' free speech created the greatest political benefits because of the context of respectful and rational public deliberation.

Strikingly, the Athenians' system, at least in this ideological representation, embodied the values of deliberative democracy as theorized by the modern political theorist Seyla Benhabib. Writing about the public discourse characteristic of what she calls 'deliberative democracy', Benhabib argues,

> Central to practical rationality is the possibility of free public deliberation about matters of mutual concern to all … Such processes of public deliberation have a claim to rationality because they increase and make available necessary information, because they allow the expression of arguments in the light of which opinions and beliefs need to be revised, and because they lead to the formation of conclusions that can be challenged publicly for good reasons.[25]

[24] οὐ τοὺς λόγους τοῖς ἔργοις βλάβην ἡγούμενοι, ἀλλὰ μὴ προδιδαχθῆναι μᾶλλον λόγῳ πρότερον ἢ ἐπὶ ἃ δεῖ ἔργῳ ἐλθεῖν.

[25] Benhabib 1996, 87.

Although Benhabib is discussing modern democracies in large, bureaucratic nation-states, her argument can help us articulate the context of deliberation in which Athenians located their practices of free speech. In classical Athens, that context was underwritten by political equality and mutual respect, and, in democratic ideology, helped to provide an explanation for the Athenians' traditional claim to be intellectually superior to others. I note that Benhabib is making the case that free public deliberation leads to greater political rationality in actual fact, not simply in ideological representation. This may make us reflect, albeit speculatively, on whether the Athenians' ideology of political wisdom was, to some extent at least, a reality.

3. *Hazards and obstacles: the ideology and practice of free speech*

The foregoing model of practical deliberation was, however, by no means taken for granted, even by the orators themselves. The orators show concern that their idealistic vision of democratic deliberation could be undercut by the realities of political competition, by the (alleged) character flaws of both other speakers and the *dêmos*, and by the audience's tendency to interrupt speakers.[26] Thus, their ideological model had to be responsive both to putative character problems, which were themselves a part of oratorical representation, and to the competitive realities of political speech at Athens, which were a part of Athens' institutions and law. They had to take into account both other representations and political realities in order to make their ideological model of democratic deliberation plausible.

The Athenians' democracy held individual orators accountable to the *dêmos* and forced them to compete with one another for the approval and votes of the *dêmos*.[27] As Cohen (1995) has argued, a central facet of this competition was the use of the courts to wage political warfare against one's rivals.[28] Since the legal risks associated with proposing ille-

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[26] Therefore, as will become clear in this section, I strongly disagree with the view of Monoson (2000, 55): 'The risks were not thought by the Athenians to undermine or even conflict with the practice of frank speech'.

[27] On accountability in Athenian politics, see Roberts 1982, Hansen 1991, 267; on elite competition for the *dêmos*'s approval, Ober 1989.

[28] Johnstone 1999, 46–69 provides illuminating analysis of how litigants shaped their narratives of the immediate past to win advantages for their own cases. For further exploration of the 'agonale Moment,' see Piepenbrink 2001, 99–100.

gal measures in the Assembly, and with being an active public speaker generally, are well known, I do not plan to discuss them in detail.[29] Rather, I note that the orators themselves foregrounded the dangers of free speech and argued that they deserved credit for their courage in running risks for the sake of Athens' welfare.[30] There was a legitimate basis for their arguments in the penalties, both formal and informal, that might result from political participation. Participants' property, citizenship, and even lives were at stake in legal procedures such as the *graphê paranomôn*, *eisangelia*, *probolê*, *endeixis*, and *apophasis*.[31] To these can be added the less formal risks derived from shame—unpopularity, humiliation, and loss of credibility—as well as slander (Aesch. 3.227). These less formal risks could, like the others, be overwhelmingly damaging to an individual's career in politics, since, as Finley (1962) showed, every speaker's position is only as secure as his latest speech. Since the Athenian system granted no official status to public speakers and advisors, the political status of a speaker rested entirely on his ability to persuade the audience on each issue as it arose. These political realities of elite competition made free speech in the deliberative context of the democracy an enormously risky venture.

The performative dimension of Athenian democratic leadership led directly to a well-developed discourse on the moral pitfalls to which political speakers were susceptible, because the informality of political status increased the importance of perceptions of a speaker's character.[32] To anticipate my main point: in the context of such intense competition, political speakers argued that their courage enabled them to overcome the temptation to resort to illicit, or at least shameful, means of acquiring or maintaining political power. At the level of character, the deliberative model sketched above requires autonomy (Dem. *Ex.* 50.3), and patriotism (Dem. 23.190) from speakers, as well as impartiality (Dem. 8.1, cf. 23.19; cf. Andoc. 1.2) and a self-controlled and long-term perspective (e.g., Dem. 1.11, 1.14–15, 6.27) from listeners. In the view of the orators, none of these attributes were secure. The primary

[29] Monoson 2000, 178, 182 briefly acknowledges these risks; for a fuller treatment of the risks of political leadership, see Sinclair 1988, 136–161.

[30] Dem. 1.16, 3.11–13, 3.32, 4.51, 8.71–72, 10.70–72, 23.5; Isoc. 8.14; cf. in general Andoc. 2.4, Lys. 7.32; Ober 1989, 109–112; Piepenbrink 2001, 146–147.

[31] On the mechanisms of political control over the politicians, see Piepenbrink 2001, 144–148.

[32] Piepenbrink 2001, 148–150.

problem is that speakers tend to reflect the short-term desires of the *dêmos*, in order to win adulation and respect. In his *On Organization*, for example, Demosthenes told the audience,

> The speakers never make you either bad or good, but you make them whichever you choose; for it is not you that aim at what they wish for, but they who aim at whatever they think you desire.
>
> (13.36, tr. Vince, adapted)[33]

This tendency was heightened because the system of political rewards encouraged ambitious individuals to make their proposals compatible with the desires of the *dêmos*. Thus, in the critical remarks of democratic orators themselves, speakers could easily become the people-pleasing creatures of the *dêmos*.[34] This tendency was driven, according to the orators, by the speakers' desires to enrich themselves at the polis' expense, and by unfair privileging of their own interests over those of the polis.[35] These problems were exacerbated by the *dêmos*' alleged tendencies to play favorites (Isocr. 8.3, cf. Isocr. 15.22; Dem. 23.19–20) and to mistake short-term benefits for the city's larger welfare (Dem. 4.39). In both ideology and practice, therefore, speakers were strongly discouraged from making bold and independent resolutions that challenged the assumptions and preconceptions of their audiences—that is, from doing their part in the ideal workings of the democratic Assembly.

Finally, in the *thorubos*, we find another impediment to speakers' exercising their citizen-based privilege of speaking freely, but this time the impediment came from the audience. In the surviving speeches, we find that many justifications of free speech are also exhortations to the democratic audience to be quiet, and to let others have their say. As Demosthenes says,

> If you are examining a question and deliberating on the assumption that you must decide on the basis of what will be said, then it is not right to stop those who want to speak; for by doing this you will be altogether deprived of the useful counsel some speakers may have thought up, and

33 οὐδέποθ' ὑμᾶς οἱ λέγοντες οὔτε πονηροὺς οὔτε χρηστοὺς ποιοῦσιν, ἀλλ' ὑμεῖς τούτους, ὁπότερ' ἂν βούλησθε· οὐ γὰρ ὑμεῖς ὧν οὗτοι βούλονται στοχάζεσθε, ἀλλ' οὗτοι ὧν ἂν ὑμᾶς ἐπιθυμεῖν οἴωνται.

34 See above, section 2; cf. Ar. *Knights passim*; Thuc. 2.65.10; Plato, *Gorg. passim*, esp. 515c–519b; Arist. *Pol.* 1305a3–7, 1320a4–6.

35 Dem. 3.29; 23.208; 24.8–9; Isoc. 8.124, 12.140; Aesch. 3.173; Piepenbrink 2001, 116–119.

> you make other speakers let go of their own conclusions and counsel the things they think you want to hear.
>
> (Dem. *Ex.* 10.1, cf. Dem. 10.28, tr. de Witt and de Witt, adapted)[36]

Amidst a further explanation of the benefits of free speech, Demosthenes is also exhorting his audience not to heckle or otherwise shut down the speaker, since he may have useful advise to offer. The *thorubos* was a key indication that the community's interests and desires took precedence over those of any individual.[37] Moreover, through the *thorubos*, the Athenians made it clear, through either interrupting or not, that the *dêmos* was all-powerful and was ultimately responsible for the speakers' freedom to speak altogether.[38] What are we to make of the apparent tension between Demosthenes' argument and the common practice of the *thorubos*?

Since Wallace and Roisman each offer distinctively illuminating treatments of the *thorubos* in this volume, I would make two brief points related to democratic deliberation and the status of free speech, ancient and modern. First, although there are cases in which a speaker stirs up the *thorubos* on purpose (cf. Dem. 18.23), there are many more cases in which the speaker was anxious not to be interrupted by the audience.[39] However much this sounds like a simple contest of wills, the deeper significance, as the passage just quoted (Dem. *Ex.* 10.1) shows, is that speakers could make strong arguments for the utilitarian value of free speech and dissent. Without listening to all sides of the question, and all relevant viewpoints, the *dêmos* deprived itself of potentially useful insights into policy matters. Therefore, the ideal model of democratic deliberation, as I have sketched it above, would break down to the extent that the *dêmos* interrupted speakers.

Second, this utilitarian argument is different from any (modern) argument to the effect that individual freedom of speech should be 'protected' by virtue of the dignity and equality of individual citizens.[40]

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[36] εἰ δὲ σκοπεῖτε καὶ βουλεύεσθ' ὡς ἐκ τῶν ῥηθησομένων δοκιμάσαι δέον, οὐκ ὀρθῶς ἔχει τὸ κωλύειν τοὺς βουλομένους λέγειν· παρὰ μὲν γὰρ τῶν ὅλως ἀποστερεῖσθ' ἐκ τοῦ τοῦτο ποιεῖν, εἴ τι χρήσιμον ἐντεθύμηνται, τοὺς δ' ἀφέντας ἃ τυγχάνουσιν ἐγνωκότες, ὧν ὑμᾶς ἐπιθυμεῖν οἴονται, ταῦτα ποιεῖτε συμβουλεύειν.

[37] See Wallace 1996 and Wallace in this volume.

[38] See Roisman in this volume.

[39] E.g. Dem. 5.15, 13.3, cf. Aesch. 1.35; cf. Tacon 2001, 182–184.

[40] Therefore, this argument adds strength to David Carter's view that free speech is not conceived of as a 'right' and also illustrates a possible avenue of disagreement with Wallace's generally favorable construction of the Athenians' communitarian system.

The Athenian democracy did not need any doctrine of 'protected free speech' in order to recognize the pitfalls of the *thorubos*. Even on the Athenian democracy's own strongly communitarian premises, there are good grounds, in the utilitarian arguments for allowing and encouraging dissent, for disapproving of the *thorubos*. This holds true even despite the very interesting suggestion of Tacon that the *thorubos* can act as a kind of effective free speech for members of the *dêmos* who would not ordinarily participate actively in the Assembly debates.[41] In my view, therefore, the speakers' very attractive model of democratic deliberation should limit the approval that recent reassessments have granted to the *thorubos*.[42]

4. *The Athenians' virtue of civic courage*

Whatever the value or disvalue of the *thorubos*, speaking before one's fellow citizens required the ability to take risks, to confront social dangers such as humiliation or shame, and to maintain a level-headed composure in expressing one's own opinions before one's opinionated political equals. In short, if the key to successful deliberation was free speech (section 2), and free speech was hedged around by threats and pressures of all sorts (section 3), then speakers required courage. In the first essay of *The Human Condition*, Hannah Arendt argued for something similar to this:

> To leave the household … demanded courage because only in the household was one primarily concerned with one's own life and survival. Whoever entered the political realm had first to be ready to risk his life, and too great a love for life obstructed freedom, was a sure sign of slavishness. Courage therefore became the political virtue par excellence.[43]

As important as the distinction between *oikos* and polis may be, however, the Athenians' legitimate fears resulted more from political competition and legal constraint than any existential transition from the protected space of the household to the forums of political engagement.

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[41] 2001, 180; cf. Bers 1985, 12–15.

[42] I note that even though the *thorubos* was a common practice, it is hard to find a rational justification of this practice within the framework of democratic ideals and commitments—even among the highly (by modern standards) community-oriented Athenians.

[43] 1958, 36.

The problem with such a competitive democratic ethic was that individuals could easily become the victims or casualties of the system. The foregoing discussion makes it clear that democratic speakers had at their disposal powerful arguments to the effect that free speech and dissent benefit the community. By contrast, the hazards of dissent fell entirely on individuals (cf. Dem. 4.51). This situation gave orators the opportunity to claim courage for themselves and to show that their courage made a unique contribution to democratic deliberation. By contrast with the honorific language of decrees, that of courage was usually self-asserted, and such self-assertion was a delicate matter: it had to be embedded in the framework of patriotically doing one's duty and counseling the city to do what was best for it.[44] In the hands of the orators, a novel conception of civic courage enabled speakers to become the 'real men' of their day—but this was now redefined as a form of speaking freely and boldly, so as to promote democratic deliberation.

Athenian orators argued that their willingness to run risks in order to speak freely indicated their sincerity and patriotism. In his speech *On the Chersonese*, for example, Demosthenes imagines a rival charging him with declining to make proposals or to run risks, which allegedly shows that he is 'a weak coward' (*atolmos ei kai malakos*). (8.68). In the course of defending himself, Demosthenes formulates civic courage as the ability to speak freely even against the *dêmos*' inclinations:

> Yet I think I am braver than many of your reckless politicians. For, Athenians, if anyone, neglecting what will benefit the polis, judges, confiscates, bribes, and makes accusations, he does not do these things because of any courage. Rather, ensuring his own safety through speaking and passing measures to please you, he is 'safely bold'. But whoever often opposes your wishes for the sake of what is best, and never speaks to win favor, but to promote your best interests, and chooses that policy in which chance rather than calculation has more power, and yet makes himself accountable to you for both—that man is truly brave, and he is the useful citizen. (8.68–70, tr. Vince, adapted).[45]

[44] Thus, for reasons I offer in the following pages, I would modify Roisman's claim (2003, 129) that 'courage could not be securely self-claimed'.

[45] ἀνδρειότερον μέντοι πολλῶν πάνυ τῶν ἰταμῶς πολιτευομένων παρ' ὑμῖν ἐμαυτὸν ἡγοῦμαι. ὅστις μὲν γάρ, ὦ ἄνδρες Ἀθηναῖοι, παριδὼν ἃ συνοίσει τῇ πόλει, κρίνει, δημεύει, δίδωσι, κατηγορεῖ, οὐδεμιᾷ ταῦτ' ἀνδρείᾳ ποιεῖ, ἀλλ' ἔχων ἐνέχυρον τῆς αὑτοῦ σωτηρίας τὸ πρὸς χάριν ὑμῖν λέγειν καὶ πολιτεύεσθαι ἀσφαλῶς θρασύς ἐστιν· ὅστις δ' ὑπὲρ τοῦ βελτίστου πολλὰ τοῖς ὑμετέροις ἐναντιοῦται βουλήμασι, καὶ μηδὲν λέγει πρὸς χάριν, ἀλλὰ τὸ βέλτιστον ἀεί, καὶ τὴν τοιαύτην πολιτείαν προαιρεῖται ἐν ᾗ πλειόνων ἡ τύχη κυρία

Here Demosthenes utilizes the familiar criticism that democratic leaders tend, for selfish reasons, to parrot back to the *dêmos* exactly what it wants to hear (above, sections 2 and 3). Everyone, he implies, would like to be called *andreios*, but other speakers pilfer a counterfeit form of that approbation by gratifying the *dêmos*' unruly desires and thereby ensuring their own safety. True courage, for Demosthenes, enables a speaker to undertake risk in the most uncertain of circumstances, and to do so for the sake of the common good. Demosthenes' courage is focused on the common good insofar as it provides for the confident expression of dissent, and therefore promotes democratic deliberation.

Cicero definitively established courage as an appropriately civic virtue in the first book of his *De Officiis*.[46] Especially in any post-Ciceronian era, this civic redefinition of courage will appear largely unproblematic. However, as Rosen and Sluiter (2003) have shown, the 'prototypical' example of *andreia* is military courage.[47] The Athenians' development of a conception of civic courage therefore challenged the traditional military interpretation of this virtue. Contrary to that narrow interpretation, Athenian ideology was deeply invested in making courage, the formerly heroic military virtue, available to all participants in the free-speaking, egalitarian civic arena.[48]

γίγνεται ἢ οἱ λογισμοί, τούτων δ' ἀμφοτέρων ἑαυτὸν ὑπεύθυνον ὑμῖν παρέχει, οὗτός ἐστ' ἀνδρεῖος, καὶ χρήσιμος πολίτης ὁ τοιοῦτός ἐστιν. As Roisman 2003 has made clear, courage is sometimes defined as an internal stance of moderation with relation to desires to get more (especially *philotimia* and *pleonexia*). Glimmers of that conception can be found in this passage, along with Demosthenes' more characteristic idea that it takes courage to transcend the fears associated with possible political failure.

[46] *De Officiis* 1.61–92 on *magnitudo animi*. It is striking that Cicero explicitly draws on Athenian civic traditions to formulate a conception of courage (cf. *De Officiis* 1.61, 75–76, 84); note also his use of Platonic political thought (1. 64, 85).

[47] For Aristotle, at the end of the classical tradition, courage is shown in the greatest of all fearful things, i.e. death, and in the noblest arena, i.e. specifically hoplitic battle (not, for example, facing death through drowning or disease): *EN* 1115a25–32. For Aristotle on courage, see Deslauriers 2003, esp. 188–192. For courage associated with free speech, we may note that Aristotle believes that the *megalopsuchos* is a 'frank talker' (*parrhêsiastês*) because of his contempt for others (*dia to kataphronêtikos einai*) (1124b29–30), whereas 'to conceal one's feelings, i.e. to care less for truth than for what people will think, is a coward's part' (1124b27–29, tr. Ross). On Aristotle and free speech, see J.J. Mulhern's paper in this volume.

[48] Smoes 1995, 9–97 provides an excellent overview of what he calls 'conceptions préphilosophiques du courage'; see in particular his discussion of the evolution from 'mythic' courage to 'rational' courage in Herodotus and Thucydides (81–97). Smoes' treatment of rational and moral courage clarifies the roots of a specifically democratic Athenian civic courage.

What was needed was a translation of courage from the military to the civic realm. To make this transition plausible, orators used military metaphors to describe their courage in speaking freely.[49] Demosthenes' speech *Against Meidias* illustrates this strategy, as well as illuminating how courage, free speech, and equality were inextricably linked in the forging of the speakers' democratic self-image.[50] Characterizing Meidias as an authoritarian, tyrannical figure, Demosthenes argues that his wealth and power pose a considerable threat to both himself and to democratic free speech and equality. Relating the story of Meidias' revenge on the arbitrator Strato, an ordinary citizen who had once entered a verdict against Meidias, Demosthenes exhibits Strato himself, now disenfranchised and therefore unable to speak before the jury:

> [N]ow he stands in silence, deprived not only of the other privileges we hold in common, but also of that of speaking or complaining; and he is not permitted even to tell you whether he has suffered justly or unjustly.
> (95, tr. Vince, adapted)[51]

Strato's literal excommunication from the polis makes him unable to participate in the community's collective constructions of right and wrong and therefore, in Aristotle's terms, he is a man without a polis (*Pol.* 1253a14–18). No wonder, then, that many of Meidias' victims held their peace (*hêsuchian eschon*), as Demosthenes puts it, cowed by his self-confidence, wealth, and gang of thugs (21.20).[52] The histrionic display of Strato gives added point to Demosthenes' summation:

> We must not overlook things like this, nor must we suppose that the man who by intimidation tries to keep any one of us from obtaining reparation from him for his wrongs is doing anything other than robbing us of our share in free speech (*isêgorias*) and freedom (*eleutherias*).
> (21.124, tr. Vince, adapted)[53]

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49 On a comparable use of military metaphors to describe the Aristophanic poet and Roman satirists, see Sluiter and Rosen 2003, 15–20.

50 Compare Roisman 2003, 136–140; Ober 1996; Wilson 1991; Piepenbrink 2001, 116–119.

51 ἕστηκε νυνὶ σιωπῇ, οὐ μόνον τῶν ἄλλων ἀγαθῶν τῶν κοινῶν ἀπεστερημένος, ἀλλὰ καὶ τοῦ φθέγξασθαι καὶ ὀδύρασθαι· καὶ οὐδ' εἰ δίκαι' ἢ ἄδικα πέπονθεν, οὐδὲ ταῦτ' ἔξεστιν αὐτῷ πρὸς ὑμᾶς εἰπεῖν.

52 In Athenian democracy, keeping quiet (*hêsuchian agein*) is usually considered a repellent condition of passivity, often brought about by the machinations and oppressiveness of rich and powerful individuals. At 8.67, for example, Demosthenes accuses other speakers of trying to silence the *dêmos* in order to continue manipulating and abusing it. The negative evaluation of political silence is the ideological converse of the positive evaluation of free speech and all its attendant political benefits.

53 οὐ δὴ δεῖ παρορᾶν τὰ τοιαῦτα, οὐδὲ τὸν ἐξείργοντα δέει καὶ φόβῳ τὸ δίκην ὧν ἂν

Free speech appears here in the guise of 'equality of speech', *isêgorias*, since Demosthenes is eager to emphasize the connections between the intimidation, silencing techniques, and anti-egalitarian *hubris* of Meidias.[54] Demosthenes is in the process of making civic courage a principal value of Athenian politics, by placing it right alongside freedom and equality and showing the interconnections of all three.

To make his conception of civic courage plausible, Demosthenes now evokes the martial connotations of this virtue, which, he tries to show, are still operative in the political context. As he argues, the only antidote to a Meidias is the courageous citizenship exemplified by Demosthenes. In his own case, Demosthenes says, Meidias trumped up accusations of desertion (*lipotaxiou*, 21.103) and murder against him in order to keep him from bringing charges. He did this, Demosthenes alleges,

> [A]s if it were only right that when any man, having been insulted by him, claimed redress and refused to keep silence (*mê siôpai*), he should be removed by banishment without a chance of escape, should even find himself convicted of desertion, should defend himself on a capital charge, and should be in imminent danger of crucifixion. (21.105, tr. Vince)[55]

Desertion is of course a quintessential act of cowardice; by contrast, therefore, this element of Meidias' accusation plays a central role in Demosthenes' picture of himself as a courageous freedom fighter. Demosthenes turns Meidias' accusation on its head by activating the prototypically military associations of *andreia*. He argues that he is, right before the jury's eyes, courageously speaking freely in order to defend liberty: 'I think the opposite: if I had let Meidias go,' he says, 'then I would have been a deserter from the post of justice' (21.120, tr. Vince, adapted).[56] For Demosthenes, democrats need courage in order to safeguard their democracy against threats from within—both from real tyranny and the more subtle forms of tyranny that restrict

ἡμῶν ἀδικηθῇ τις λαμβάνειν παρ' αὐτοῦ, ἄλλο τι χρὴ νομίζειν ποιεῖν ἢ τὰς τῆς ἰσηγορίας καὶ τὰς τῆς ἐλευθερίας ἡμῶν μετουσίας ἀφαιρεῖσθαι.

[54] On *hubris* and the contest between civic and elitist codes of political discourse enacted in this speech, see Ober 1996.

[55] ὡς δέον, εἴ τις ὑβρισθεὶς ὑπὸ τούτου δίκης ἀξιοῖ τυχεῖν καὶ μὴ σιωπᾷ, τοῦτον ἐξόριστον ἀνῃρῆσθαι καὶ μηδαμῇ παρεθῆναι, ἀλλὰ καὶ λιποταξίου γραφὴν ἡλωκέναι καὶ ἐφ' αἵματι φεύγειν καὶ μόνον οὐ προσηλῶσθαι.

[56] ἐγὼ δ' αὐτὸ τοὐναντίον οἶμαι, εἰ τοῦτον ἀφῆκα, λελοιπέναι μέν, ὦ ἄνδρες Ἀθηναῖοι, τὴν τοῦ δικαίου τάξιν.

democratic freedoms, subvert equality, or diminish the force of law. Elsewhere, along the same lines, Demosthenes invokes the tyrannicides as the quintessential instance of democratic civic courage and freedom-fighting (20.160–162). The courage to speak freely enables Demosthenes not only to defend himself but also to defend democracy.

Demosthenes uses a military metaphor, i.e. deserting one's post, in order to describe a civic function in which free speech played an integral part. My argument is that by using military metaphors to describe acts of speaking freely, the orators developed a plausible and attractive conception of civic courage. Their conception both explained how their model of democratic deliberation could work, despite the hazards of free speech and dissent, and it proved attractive as a form of approbation for speakers themselves.[57]

Several further examples will illustrate the Athenians' conception of civic courage. In *Against Theomnestus I* (10.24–25) Lysias' client figures the courtroom as a site of armed conflict even more dangerous than military campaigns. In *On the Embassy* (2.181–182) Aeschines renders a startling image of his own courageous free speech before Philip of Macedon, by contrast with Demosthenes' cowardly tendency to faint before the king. He concludes that his willingness to expose himself to the risks of slander after the embassy shows that he is superior in courage even to conspicuously brave soldiers. Elsewhere (15.32–33) Demosthenes urges that speakers should be deprived of the privilege of giving advice if they adopt oligarchical attitudes and thereby 'desert the political post handed down by our ancestors' (tr. Vince, adapted; cf. Pl. *Lach.* 190e4–6).[58] Democratic moral courage consists in the appropriate use of free speech to defend and promote the democratic institutions handed down by the Athenians' ancestors.

We normally associate this brand of moral courage, and even the military metaphor, with the speeches of Socrates in Plato's *Apology*. Socrates subtly transforms the democratic metaphor by emphasizing concern for his own soul rather than concern for the polis.[59] As Socrates argues,

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[57] My study of military metaphors used to describe civic functions is methodologically indebted to Caroline Bynum, who argues that 'ideas are sometimes elaborated and sometimes betrayed (in the several senses of the word *betray*) in the specific metaphors that clothe them' (1995, xvi).

[58] He calls them τοὺς τὴν ὑπὸ τῶν προγόνων τάξιν ἐν τῇ πολιτείᾳ παραδεδομένην λείποντας.

[59] Although Mulhern (this volume) rightly points out that Greek ethical thinking

> I would have done a terrible thing, men of Athens, if, when the archons whom you elected to command me had assigned me to a post at Potideia, Amphipolis and Delium, I had remained where they assigned me, just like everyone else, and run the risk of dying, but then, when the god assigned me (as I believed) to live as a philosopher and to examine myself and others, then, fearing death or anything else whatever, I had abandoned my post.
>
> (Plato, *Ap.*, 28d10–29a2, tr. Tredennick, adapted)[60]

Socrates' view is that it is his divinely ordained duty to speak candidly to his fellow citizens about the state of their souls, even if the democracy should somehow outlaw his practice of philosophy. Even in that case, he says, he will never stop practicing philosophy and exhorting his fellow-citizens to search for the truth alongside him (29d4–7). Although Socrates evidently has the courage to speak freely, he famously disavowed active political participation in the democratic city (Plato, *Ap.* 31e–32a), even though he equally famously presided over the Assembly during the trial of the Arginusae generals (Plato, *Ap.* 32b–c). The Socratic military metaphor is an example of Socratic or Platonic uses of democratic conventions for an altogether novel purpose—i.e., to explain and justify Socrates' own dedication to the pursuit of wisdom, even if that pursuit might come into conflict with prospective democratic laws. Although Plato later became a significant figure in the development of a wider, non-military conception of courage, it is plausible to argue that this Socratic conception originated in the structures, requirements, and language of democratic participation.

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took place within the framework of, and normally with a view to, politics, Socrates himself (whether he is the Platonic character or historical figure) complicates the picture. As Brown 2000 argues, Socrates practiced an extraordinary politics that aimed to improve the souls of his interlocutors without recognizing any special obligations to his fellow Athenians. Thus, although Socrates' ethical practices might still have a vaguely political orientation, Socrates' 'politics', such as they were, should be sharply distinguished from the ordinary civic, and later Aristotelian, conceptions of politics. If, as Socrates claims at *Gorgias* 521d6–e2, he is Athens' only true politician, then his current *askêsis* and self-development, along with his care for individual others, must be distinguished from the cultivation of virtue one normally finds in Athens or in the ideals of its advocates, such as (the Platonic) Protagoras. It could be reasonably argued, by extension from the *Gorgias* passage, that Socrates practices ethics for the sake of the 'true politics' which does not yet exist.

[60] ἐγὼ οὖν δεινὰ ἂν εἴην εἰργασμένος, ὦ ἄνδρες Ἀθηναῖοι, εἰ ὅτε μέν με οἱ ἄρχοντες ἔταττον, οὓς ὑμεῖς εἵλεσθε ἄρχειν μου, καὶ ἐν Ποτειδαίᾳ καὶ ἐν Ἀμφιπόλει καὶ ἐπὶ Δηλίῳ, τότε μὲν οὗ ἐκεῖνοι ἔταττον ἔμενον ὥσπερ καὶ ἄλλος τις καὶ ἐκινδύνευον ἀποθανεῖν, τοῦ δὲ θεοῦ τάττοντος, ὡς ἐγὼ ᾠήθην τε καὶ ὑπέλαβον, φιλοσοφοῦντά με δεῖν ζῆν καὶ ἐξετάζοντα

The speakers' assertions of their own courage, and their military metaphors, occasionally enabled them to claim the *dêmos* as a courageous ally in the attempt to protect freedom of speech against the encroachment of rival members of the elite. In *Against Ctesiphon*, Aeschines uses a military metaphor to inspire the *dêmos* to imagine itself as courageously defending democratic free speech by casting its vote against Ctesiphon and, by extension, Demosthenes. He reminds his listeners that there are three forms of government—tyranny, oligarchy, and democracy—and argues that democracy, uniquely, is administered by laws rather than the inclinations of the rulers. 'Let no one of you be ignorant of this,' he says, 'but let each know clearly that when he enters a courtroom to sit as juror in a suit against an illegal motion, on that day he is to cast his vote for or against his own freedom of speech (*parrhêsias*)' (Aesch. 3.6, tr. Adams, adapted).[61] Freedom of speech is represented in this argument as the quintessential value promoted and protected by democracy. It is used metonymically to stand for the democracy itself and its laws. Aeschines explicitly warns the jury against those, such as conspiratorial generals and rhetors, who have been sidestepping the laws for their entire careers and tend to approach government with the mentality of tyrants or oligarchs. His conclusion?

> But just as each one of you would be ashamed to desert the post to which he had been assigned in war, so also now you should be ashamed (*aischunthête*) to desert the post to which the laws have assigned you, as guardians (*phulakes*) of the democracy this day.
>
> (Aesch. 3.7, tr. Adams, adapted)[62]

Free speech and democracy are continually in need of defense by citizens willing to imagine their political participation as a form of military activity.

ἐμαυτὸν καὶ τοὺς ἄλλους, ἐνταῦθα δὲ φοβηθεὶς ἢ θάνατον ἢ ἄλλ᾽ ὁτιοῦν πρᾶγμα λίποιμι τὴν τάξιν.

[61] μηδεὶς οὖν ὑμῶν τοῦτ᾽ ἀγνοείτω, ἀλλὰ σαφῶς ἕκαστος ἐπιστάσθω, ὅτι ὅταν εἰσίῃ εἰς δικαστήριον γραφὴν παρανόμων δικάσων, ἐν ταύτῃ τῇ ἡμέρᾳ μέλλει τὴν ψῆφον φέρειν περὶ τῆς ἑαυτοῦ παρρησίας.

[62] ἀλλ᾽ ὥσπερ ἂν ὑμῶν ἕκαστος αἰσχυνθείη τὴν τάξιν λιπεῖν ἣν ἂν ταχθῇ ἐν τῷ πολέμῳ, οὕτω καὶ νῦν αἰσχύνθητε ἐκλιπεῖν τὴν τάξιν ἣν τέταχθε ὑπὸ τῶν νόμων φύλακες τῆς δημοκρατίας τήνδε τὴν ἡμέραν.

5. *Can free speech produce courage?*

In the ideological representations of the Athenian orators, free speech was uniquely valuable because it promoted genuinely democratic deliberation; it was also extremely dangerous because of the risks it involved. Therefore, as the members of the body politic who took special advantage of the opportunity to speak freely, orators could make a plausible claim to be exhibiting courage on behalf of the common good. Especially in contexts where they were praising the city, however, such as in funeral orations, orators reversed the equation: instead of arguing that individual courage is a precondition of free speech, they argued that democratic free speech helps to produce courage. This reversal of the equation befits a genre in which speakers evoked the cooperative features of democratic politics in order to promote Athens' glory, as opposed to the other genres of public speech in which, as we have seen, they emphasized the realities of elite political competition. To illustrate this rearrangement of the relationship between free speech and courage, I offer two examples from the extant funeral orations.

First, in 338 BCE, in his funeral speech after the Athenian defeat at Chaeronea, Demosthenes attributed the courage of his fallen fellow-citizens to their democratic participation (25). He asserts the superiority of democracy by way of contrast with what he calls *hai … dia tôn oligôn dunasteiai*—'absolute governments of the few' (25). For Demosthenes, absolute governments (*dunasteiai*) create fear (*deos*) in their citizens but not shame (*aischunên*). Citizens of *dunasteiai*, he argues, need not fear the public censure or reproaches of their fellow citizens if they fail to carry out their duties under pressure. However disgracefully they act in times of danger, the subjects of an oligarchy can save themselves 'if they win over their masters (*tous kurious*) through bribery (*dôrois*) or by any other association (*homilias*) whatever' (26).[63]

In democracies, by contrast, frank speech makes it impossible for a coward to cover up his disgraceful behavior:

> It is not possible to keep frank speech, which depends upon the truth, from making the truth clear. For it is impossible for those who commit a shameful act to win over everyone, with the result that a single citizen's truthful reproach is painful; for even those who would not them-

[63] ἂν τοὺς κυρίους ἢ δώροις ἢ δι' ἄλλης ἡστινοσοῦν ὁμιλίας ἐξαρέσηται. For illuminating discussion, from the standpoint of political theory, of Demosthenes' presentation of Macedon as Athens's premier non-democratic rival, see Piepenbrink 2001, 111–112.

> selves denigrate others are happy when they hear someone else utter a reproach. Fearing these things, all these men, naturally enough in view of the shame resulting from future reproaches, stoutly withstood the danger confronting them from our enemies and chose a noble death over a shameful life. (26, tr. de Witt and de Witt, adapted)[64]

Demosthenes is arguing that, through the mechanisms of shame, free-speaking democratic citizens characteristically produce a uniquely democratic form of military courage. With this line of argument, Athenian ideology has created a virtuous circle in which courage enables citizens to speak freely, while their resulting candid speech, in turn, produces courage on the battlefield. We should note, however, that Demosthenes' positive evaluation of shame in this passage (cf. Dem. 22.31) stands in a degree of tension with other passages (see section 2) that emphasize the importance of speaking freely and boldly whatever the shame or public humiliation that might ensue.

The second example of free speech's capacity to produce courage comes from the Periclean funeral oration, which I treat as accurately representing the historical Pericles' own ideas about democracy at the beginning of the Peloponnesian War.[65] In a famous passage Pericles emphasizes the Athenians' distinctively rational approach to warfare:

> We believe that what spoils actions is not speeches, but going to do what is necessary without first being instructed through speeches. In this too we excel over others: ours is the bravery of people who think through what they will take in hand, and discuss it thoroughly; with other men, ignorance makes them brave and thinking makes them cowards; but the people who most deserve to be judged courageous are those who know what is fearful and pleasant and are not turned away from danger by that knowledge. (2.40.2–3, tr. Woodruff, adapted).[66]

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[64] καὶ τὴν παρρησίαν τὴν ἐκ τῆς ἀληθείας ἠρτημένην οὐκ ἔστι τἀληθὲς δηλοῦν ἀποτρέψαι. οὐδὲ γὰρ πάντας ἐξαρέσασθαι τοῖς αἰσχρόν τι ποιήσασιν δυνατόν, ὥσθ᾽ ὁ μόνος τἀληθὲς ὄνειδος λέγων λυπεῖ· καὶ γὰρ οἱ μηδὲν ἂν εἰπόντες αὐτοὶ βλάσφημον, ἄλλου γε λέγοντος χαίρουσιν ἀκούοντες. ἃ φοβούμενοι πάντες εἰκότως τῇ τῶν μετὰ ταῦτ᾽ ὀνειδῶν αἰσχύνῃ τόν τ᾽ ἀπὸ τῶν ἐναντίων κίνδυνον προσιόντ᾽ εὐρώστως ὑπέμειναν, καὶ θάνατον καλὸν εἵλοντο μᾶλλον ἢ βίον αἰσχρόν.

[65] The issue of authenticity in the Periclean funeral oration will likely never be resolved conclusively, given the paucity of our evidence. But I believe that the position I take in the text is plausible and widely shared. Good recent treatments include Yunis 1996, 61–66, arguing that the speeches are entirely Thucydidean inventions; Swain 1993, arguing for basic fidelity; Hornblower 1987, 45–72; Rusten 1989, 7–17. On the near-impossibility of providing a verbally accurate account, see Woodman 1988, 1–69, especially 11–15; Woodman's view has recently been challenged by Munn 2000 with regard to Thucydides.

[66] … οὐ τοὺς λόγους τοῖς ἔργοις βλάβην ἡγούμενοι, ἀλλὰ μὴ προδιδαχθῆναι μᾶλλον

Pericles' characterization of the Athenians as a people who 'think through what they will take in hand and discuss it thoroughly' evokes the context of democratic deliberation I sketched in section 2. Pericles emphasized Athenian deliberation and rationality in order to distinguish the Athenians from the non-democratic Spartans. He is asserting that Athenian courage depends upon and includes a rational understanding of ultimate values—what is genuinely fearful and genuinely pleasant in human life.[67] In his view, public debate makes this distinctively rational form of courage possible.[68] Therefore, in his paradigm, only the Athenians exhibit true courage because only the Athenians genuinely think through their political choices. Thus, democratic free speech and deliberation enable the Athenians to produce genuine courage, whereas the Spartan *agôgê*, by implication, produced a less reflective, and therefore less genuine, version of courage. This novel argument linking courage and democratic debate was a brilliant rhetorical strategy in a world where the Spartans' pre-eminent martial valor was usually taken for granted (e.g, Isocr. 12.216–217, Lys. 16.17; cf. Thuc. 4.34.1).

6. *Public-spirited deliberation: a democratic safety net*

The foregoing has addressed the relationships among free speech, courage, and democratic deliberation in Athenian ideology. The orators' account of these relationships was flexible enough, however, to suggest that democratic deliberation might contain resources for defusing competition among speakers, thereby making responsibility for political decisions more diffuse, and courage less necessary. Freedom for everyone to speak, and from all sides of the issue, offered protection to both the *dêmos* and its individual counselors. As Demosthenes says,

> It is those who have done most to persuade you of the proposals which you are now considering who will benefit most by opposing speakers' gaining the opportunity to speak. For if the opposing speakers are able to show that the current proposals are not best, when no mistake has yet

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λόγῳ πρότερον ἢ ἐπὶ ἃ δεῖ ἔργῳ ἐλθεῖν. διαφερόντως γὰρ δὴ καὶ τόδε ἔχομεν ὥστε τολμᾶν τε οἱ αὐτοὶ μάλιστα καὶ περὶ ὧν ἐπιχειρήσομεν ἐκλογίζεσθαι· ὃ τοῖς ἄλλοις ἀμαθία μὲν θράσος, λογισμὸς δὲ ὄκνον φέρει. κράτιστοι δ' ἂν τὴν ψυχὴν δικαίως κριθεῖεν οἱ τά τε δεινὰ καὶ ἡδέα σαφέστατα γιγνώσκοντες καὶ διὰ ταῦτα μὴ ἀποτρεπόμενοι ἐκ τῶν κινδύνων.

[67] Balot 2001b.

[68] Cf. Smoes 1995, 88–97.

> been made, they will by doing so nullify the risks for the proposers. But if the opposing speakers cannot make their case, they will not be able to find fault later, at any rate. Instead, since they obtained a hearing, which is as much as men are bound to give, they will rightly be content if they are defeated, and they will share with all the others in the outcome, whatever it may be.
>
> (*Exordium* 26.2–3, tr. deWitt and deWitt, adapted)[69]

The very dangers that civic courage was meant to confront, could themselves be minimized, in this account, by free speech itself. Free speech is capable not only of catalyzing competition among Athens' leaders but also of helping to defuse that competition by distributing responsibility more evenly among the various speakers and the entire assembled *dêmos*. Free speech enabled the democracy to establish a powerful cooperative framework within which the requisite rhetorical competition could be both more meaningful and less risky.[70]

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69 ἔστι δὲ τοῖς μάλιστα πεπεικόσιν ὑμᾶς ταῦτ' ἐφ' ὧν νῦν ἐστε, τούτοις καὶ μάλιστα συμφέρον τὸ λόγου τυχεῖν τοὺς ἀντιλέγοντας. ἂν μὲν γὰρ διδάξαι δυνηθῶσιν ὡς οὐκ ἔστ' ἄρισθ' ἃ τούτοις δοκεῖ, ὅτ' οὐδὲν ἡμάρτηταί πω, τοῦτο πράξαντες ἀθῴους τοὺς κινδύνους ποιήσουσιν αὐτοῖς· ἐὰν δὲ μὴ δυνηθῶσιν, οὔκουν ὕστερόν γ' ἐπιτιμᾶν ἕξουσιν, ἀλλ' ὅσ' ἀνθρώπων ἦν ἔργον, ἀκοῦσαι, τούτων τετυχηκότες, ἂν ἡττῶνται, δικαίως στέρξουσι, καὶ μεθ' ἁπάντων τῶν ἀποβαινόντων, ὁποῖ' ἄττ' ἂν ᾖ, κοινωνήσουσιν.

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CHAPTER TWELVE

SPEAKER-AUDIENCE INTERACTION IN ATHENS: A POWER STRUGGLE

Joseph Roisman

1. *Introduction*

In her illuminating essay on frank speech in Athens, S. Sara Monoson (1994) states that '[T]he Athenians celebrated free speech as a fundamental ideal of democratic politics', and goes on to show how beneficial was the implementation of this ideal to public deliberations in the Assembly. She also points out that in order for free speech to be functional and constructive, it requires the collaboration of the audience, including their willingness to accept speakers' criticism of their ways.[1] The present paper aims to discuss the less agreeable aspects of speaking to the Athenian public by placing it in the context of the struggle over political power and influence in Athens. For as much as the right to speak one's mind freely may have been beneficial to the state, it also gave men power, that is, the power of speech, which could problematize the power hierarchy in the city with the *dêmos* at its head. The following discussion focuses on the impact of democratic perceptions of political power on the ability of public speakers and litigants to exercise their right to speak. It also looks at the role that criticism of the *dêmos* played in the power relationship between public speakers and their audience.[2]

In Athenian democracy, the main mode of communication whether in the courts, the council, or the popular Assembly, was the speech. That speech was a power, which in the wrong hands had to be checked,

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[1] Monoson 1994, 174–185 (citation: p. 174). Balot's and Wallace's essays in this volume broaden Monoson's investigation by showing, respectively, how courageous free speech and interrupting a speaker contributed to the efficacy of the decision-making process in Athens; and see also Tacon 2001, 180, 185, 188. The present article is based on a larger work entitled *The Rhetoric of Manhood: Masculinity according to the Attic Orators*, f.c., Univ. of California Press.

[2] I use the term 'public speakers' to distinguish men who were active in the city's public and political discourse from those who participated in it only on an occasional basis.

is clearly stated by Demosthenes in his speech against Aeschines, whom he charged with misconduct as an ambassador. After warning the people of the danger of an able, but unscrupulous speaker, Demosthenes says that the power of speech is unlike all other powers (*dunameis*) which generally are self-sufficient, meaning that they are unilateral and stand on their own. The power of speaking, however, can be broken when the audience opposes it (Dem. 19.340; cf. 18.277; 60.14). This democratic view of public speaking describes the power of speech as weaker than, and dependent on, the people's power and their willingness to yield to it. At the same time, it depicts the interaction between speaker and audience as a conflict. The verbs Demosthenes uses such as 'to oppose' or 'to resist' (*anthistêmi*) and 'to break (through)' (*diakoptô*) as well as the noun 'power' or 'force' (*dunamis*) have military resonance and suggest a battle between speaker and audience.

Of course, not every interaction between speaker and audience resembled a war. Yet Demosthenes' language and description reflect the tension that existed in a relationship between an all-powerful audience and a public speaker or a litigant, who wished to exercise power through speech over it so as to attain goals and outcomes desirable to himself, the community, and the state. In order to illuminate the nature of this tension, it will be helpful to discuss briefly popular perceptions of the people's power and moral stature in the city.

In the Athenian state, the people, or the *dêmos*, reigned supreme. As Apollodorus says concerning the right to grant citizenship ([Dem.] 59.88):

> Even though the *dêmos* of the Athenians is the supreme *kurios* (*kuriôtatos*) of everything in the polis, and can do whatever it wishes … it has laid down laws for itself according to which it must act in making someone a citizen when it so wishes.
>
> ὁ γὰρ δῆμος ὁ Ἀθηναίων κυριώτατος ὢν τῶν ἐν τῇ πόλει ἁπάντων, καὶ ἐξὸν αὐτῷ ποιεῖν ὅ τι ἂν βούληται … νόμους ἔθετο αὐτῷ καθ' οὓς ποιεῖσθαι δεῖ, ἐάν τινα βούλωνται, πολίτην.

According to this speaker, the people shackled their own power voluntarily, and by implication, could free themselves from this restraint whenever they wished. Unlike Apollodorus, Demosthenes thought that laws, rather than limiting the power of the people, actually embodied it by way of a reciprocal relationship. He argues that what puts the jurors in an all-powerful position is not military performance, bodily strength, or youth, but the laws which empower the jurors, who, in turn, have

the ability to make the laws strong and effective (Dem. 21.223–224). Thus, both speakers, together with other fourth-century sympathizers or critics of Athenian democracy, shared the belief that the *dêmos* held supreme power through its control of the Assembly and the courts, and could largely do as it pleased.[3]

The perception that the *dêmos* consisted of men whose moral standards were often higher than those of their leaders, served to justify this configuration of roles and, in general, the people's possession of power. Indeed, when speakers compare the morality and virtues of the *dêmos* and these of their politicians, the latter come out unfavorably. The Athenian Diodorus presented the *dêmos* as more aristocratic in values and taste, and more dedicated to honor, military glory and tradition, than Androtion, a politician who made a vulgar use of wealth (Dem. 22.75–76; cf. Dem. 40.46). In an oration he wrote for the prosecutor of Timocrates, Demosthenes contrasts speakers, who make laws to cover their own shameful acts and dishonesties, or bite the (*dêmos*') hand that feeds them, with the *dêmos*' high-mindedness and its collective and uncompromising outlook on justice (Dem. 24.123–124). According to Hyperides, the democratic jury, as opposed to some politicians, had shown the desirable traits expected of a male juror of being fair, magnanimous, and the protector of public interests (Hyp. 4.27; 32–36 [Burrt]). The notion of the *dêmos*' moral superiority is implied even in the frequent claim that it had been misled by clever speakers who took advantage of the natural simplicity, goodness and magnanimity of the people, which blinded them from seeing others' evil intentions.[4]

A public speaker, then, who wished to persuade a popular audience to do his bidding, not to mention prevail upon them, was at a clear disadvantage. As a member of the elite, he faced men who were more powerful than him, had morality on their side, tended to con-

[3] Since I deal here with perceptions and discourse, I will not enter the debate about which state organ, and at what time, had more real power than another; see, conveniently, Kapparis 1999, 360–362. For the *dêmos*' power and wishes, see, e.g. Ant. 2.2.13; 3.3.1; And. 2.19; Dem. 19.177, 297; 20.107; Din. 1.106–107; Plato *Rep.* 8. 557b; Isoc. 12.131; *Ath. Pol.* 41.1–2; Arist. *Pol.* 5. 1310a32–33, 6. 1317b10–13; Xen. *Hell.* 1.7.12; cf. Dem. 24.151; 25.25; 59.4; *Pr.* 21.3. Practical curtailments on the *dêmos*' power: Hansen 1991, 300–304; Mossé 1994, esp. 173–178.

[4] The peoples' *euêtheia*: e.g. Dem. 19.103; 22.78; 25.12; *Pr.* 24.2. Their *philanthrôpia*: e.g. Dem. 23.156; 24.51; cf. Dover 1974, 23. Conversely, confidence in the *dêmos*' sense of justice allegedly justified the willingness of Antiphon's client to put himself in the hands of the jury (Ant. 5.8; cf. 2.4.1). Cf. Dem. 21.2 for the people's sense of justice in the Assembly.

sider themselves better than him, and had a considerable discretion in deciding for or against him.[5] This asymmetrical relationship affected both the speaker's address to his audience and the audience's reactions to his address. For even though speakers often promised that following them or their recommendations would result in collective benefits, the promises did not change the essence of the political process of persuasion in which a public speaker wished to control, lead, persuade and influence an audience aware of, and sensitive to, its own primacy, power, and control. In what follows I wish to discuss the challenges that speakers faced in communicating their message to an audience more powerful than they themselves were and the ways they used to meet these challenges.

2. *Speaker-audience interaction*

The challenges that speakers met were real enough, and came to the foreground as soon as the speakers stepped up to face the crowd in the Assembly and the courts. In Athens, politicians and litigants addressed groups of citizens of various sizes, which would not necessarily sit still or listen to them quietly.[6] The orations, like other sources, paint a picture of tumultuous interchanges, especially in the Assembly, but also in the courts, in which speakers had to make themselves heard above the audience's clamorous din (*thorubos*); contend with their mockery, heckling, protests, and other interruptions;[7] and, in some cases, were forced to back down when the audience refused to hear what they had to say or aggressively silenced them.[8] At times, the din could be caused by cheering, applause, or other expressions of encouragement

[5] In my *Rhetoric of Manhood* (note 1 above), I try to show that the *dêmos* perceived itself also as manlier than the elite.

[6] Useful here are: Cronin 1936, esp. 35–43; Bers 1985; Hansen 1987, 69–72; Sinclair 1988, 205–207; Hall 1995, 43–44; Lanni 1997; Tacon 2001; and see Wallace and Balot in this volume.

[7] Heckling and protests: Lys.12.73; Dem. 19.113, 122; *Pr.* 4.1; 21.1; Aes. 1.78; 2.51, 84; Lyc. 1.52; Demades Frs. 16, 20 (de Falco); cf. Aristoph. *Ach.* 37–39, 59–64; Xen. *Hell.* 1.7.12–13; Pl. *Lg.* 876b; [Arist.] *Rhetoric to Alexander* 18. 1432b11–34. Mockery and jeering: Dem. 19.46; Aes. 1.80; cf. 1.82–84; Pl. *Euthph.* 3b–c; Plut. *Dem.* 6.3. See Cronin 1936, 38; Bers 1985, 6–9; 12, and Lanni 1997, 184 n. 8, 187, for more references.

[8] Driving out, refusing to hear, or silencing speakers: Dem. 19.15, 45, 113; 45.6; Aes. 2.4, 153 (with Cronin 1936, 40–41); cf. Isoc. 8.3; 15.22; Xen. *Hell.* 1.4.20; 6.5.49; Pl. *Prt.* 319c; Plut. *Dem.* 25.6.

and support.[9] Just as in the Greek theater, or a modern amateurs' night, the audience in court and Assembly could be an ally or an antagonist.

Power games and sensitivities to who was in control played a role in this interactive communication. Vocal interruptions and heckling in court and Assembly undermined the speaker's structural advantage as the focus of the group's attention and reminded him that his right to speak depended on the audience's power and patience. Indeed, even simple appeals to the audience to keep quiet or hear the speaker out revealed their power and ability to ruin his performance.[10]

Speaking in public and standing in front of a crowd, then, could be an intimidating experience that called upon a man to overcome the fear of addressing an active audience. Demosthenes complained that the Athenians were scary and tough in their assemblies (Dem. 8.32), and Isocrates, partly critical of, partly acknowledging the prevailing norm, stated that he did not have sufficient boldness or a strong enough voice to meet the power of the crowd (Isoc. 5.81; 12.9–10; *Letters* 8.7).[11] Plato resorted to the world of nature to describe the relationship between the crowd and the speaker. He compares the *dêmos* to a big strong beast that needs a trainer to tame it and describes how the earth echoes with the sounds of *hoi polloi* when they sit in the Assembly, court, theater or in the camp (Pl. *Resp.* 492b–c, 493a–d).[12] Behind these unflattering depictions of the people stood an acknowledgement of the power of the crowd to intimidate a speaker or to move him to seek popular approval at the expense of advocating sound, but unpopular, policy.[13]

Thus, the audience's provocations of, or reactions to, the speakers allowed both the crowd and the speaker's rivals to test his mettle and to force him to take cognizance of their wishes, moods, and their power as an audience. They also provided an opportunity for the people to show that their willingness to concede a speaker the right to speak, or to submit to his power of speech was temporary and

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[9] E.g. Dem. 5.2; 10.44; 21.14; 23.18–19; Pl. *Lg.* 876b.

[10] Appeals to keep quiet: e.g. Dem. 5.3, 15; 13.14; *Pr.* 21.4; 56.3. Tacon 2001, 180 detects in these requests a perception of clamor as subversive. This was probably the speakers' perception, and see Tacon 2001, 189.

[11] See Too 1995, 75–98. For speakers' complaints about the unfair advantage enjoyed by opponents blessed with a loud or beautiful voice, see, e.g. Dem. 19.206, 339; 57.11; cf. Is. 6.59; Millett 1998, 217–218.

[12] Cf. Pl. *Lg.* 876b; Yunis 1996, 147–149.

[13] Pl., esp. *Resp.* 6. 492c; Xen. *Mem.* 3.7.1, 5; cf. Plut. *Moralia* 41c; [Arist.] *Rhetoric to Alexander* 18. 1433a15–16.

uncertain. Judging by Aeschines, heckling and mocking could even be perceived, or presented, as a legitimate expression of the audience's *parrhêsia*. He informs the jurors in Timarchus' trial that he can tell that they have already convicted the defendant of male prostitution from an incident in an Assembly meeting in which they reacted with shouts and laughs at words in Timarchus' speech that had sexual double meaning. He characterizes their vocal responses as speaking frankly (*peparrhêsiasthe*) and telling him, i.e., Aeschines, their opinion (Aes. 3.80).[14] The Athenian democrats commended their city on its free speech, but one had to claim it for oneself aggressively against rivals and ordinary citizens who considered heckling and interrupting their right and privilege.

The audience's challenges of the speakers could come also in forms subtler than noisy interruptions. In the Assembly, for example, straight questions could mask a hidden agenda. In his speech *On the Chersonese* Demosthenes states (Dem. 8.38):

> There are those who think they will refute a speaker whenever they ask: 'what, then, should we do?'.
>
> Εἰσὶ τοίνυν τινὲς οἳ τότ' ἐξελέγχειν τὸν παριόντ' οἴονται, ἐπειδὰν ἐρωτήσωσι 'τί οὖν χρὴ ποιεῖν;

Although it was Demosthenes who 'invited' this question so he could answer it convincingly, his statement shows that when members of the audience asked a speaker what he suggested the Athenians do, they did not just look for his advice, but also hoped to catch him off guard, embarrass him, and expose him as a mere man of words.[15] A different form of challenge took place in court and involved the ability of the speaker to digress from the case in point. Athenian pleaders often urged the jury not to let their opponents deceive or confound them by digressing from the issue of the dispute. The injunction to stick to the issue was also anchored in an oath taken by litigants in private suits and in the prohibition on diverging from the issue in cases brought before the court of the Areopagus.[16] Even a cursory

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[14] Aes. 1.80: Διότι πεπαρρησίασθέ (Blass' emendation of the MSS' ἐπαρρησίασθε) μοι καὶ διείλεχθε.

[15] Attempts to trip up or challenge a speaker: Dem. 8.70; 10.11; cf. Thuc. 4.28.1–3; Alcidamas *Sophists* 9.

[16] Oath in private actions: *Ath. Pol.* 67.1; Cronin 1936, *passim*, esp. 30–46, but see Rhodes' reservations in 1993, 719; cf. Lys. 3.46; Ant. 5.11; 6.9; Harrison 1971, II 163. The oath taken in other courts had a similar clause: Biscardi 1970, 219–222; Scafuro

reading of Athenian forensic oratory shows that speakers systematically ignored this rule. The importance of character in trial, the raising of many grievances by the speakers, and the inclusive perception of offenses, all forced the speakers to address a variety of issues.[17] Yet the 'rule of relevance' allowed the jurors to challenge the speaker and to demonstrate their power. Calling a speaker to stick to the point put him in his place as someone dependent on their goodwill and power of discretion. It also suggested that the jury was intelligent enough to see through the litigant's maneuvers and that it fulfilled its role as an unbiased judge.

Aeschines shows that the question of relevance had much to do with power struggle between a pleader and his audience, which he compares to a masculine test of strength and wits. He warns the jurors that Demosthenes will try to trick them and avoid addressing the charges against him, and borrows images from the world of sport to illustrate his point. He advises them to imagine themselves as boxers in a match, in which each boxer tries to improve his position. The jury should struggle with Demosthenes to get the best position for the sake of the polis. They should not allow him to get out of bounds but observe him, ambush him, pay attention to his words, drive him into discussing the topic he would try to avoid, and watch for his diversion maneuvers (Aes. 3.205–206; cf. 1.176).

Thus, focusing on the charges turned into an issue of the jurors' intelligence, power and fighting skills. The athletic vocabulary and images constrained the *dêmos*-speaker relationship into a masculine competition, in which only one party could be the winner.[18] In this way, Aeschines changes the jury from spectators and judges of leadership contests into contestants against his own rival, now their foe as well.

Nevertheless, the people's advantage in popular meetings should not be overstated. Aeschines' statements in two different speeches led sev-

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1997, 50–51, and Harris 1994, 133, 149 notes 5–7, who argues for the effectiveness of the oath. Cases in the Areopagos: Arist. *Rhet.* 1.1.5 1354a21–24; cf. 1.1.10 1354b31–1355a3; Lyc. 1.12. Warning for the jurors: e.g. Lys. 9.1–3; Dem. 40.61; Hyp. 4.4, 10 (Burtt); Aes. 1.176; cf. Is. 10.21–22; Dem. 18.123; 40.61; 58.23, 25–26. Lanni 1997, 187–189 regards appeals to bystanders as a way to educate the jury and check their potential abuse of power. I agree that they were intended to exert pressure on the court.

[17] In addition to the previous note, see Dem. 18.9, 34; 57.33, 66; Hyp. 1 Fr. 2, 4.4, 31 (Burtt); cf. Dem. 19.192, 213; 56.31; 57.63.

[18] For wrestling and judicial contests: Garner 1987, 61–62. For Aeschines' fondness of athletic metaphors: Ober 1989, 283 and Golden 1998, 158–159, but see Lane Fox 1994, 138–139.

eral scholars to deduce the introduction around 346/5 of a new measure designed to check heckling in the Assembly (Aes. 1.33; 3.4).[19] It should be noted, however, that the measure was directed against *rhêtores*, but not the popular audience. But even *rhêtores* were not completely helpless. Confident or experienced public speakers, secure in their social identity, and probably used to attempts at silencing, could ignore them and survive. They responded to challenges on the spot, and tried, sometimes successfully, to intimidate hecklers and protesting or clamorous audiences by stares and words, though these ways of handling the audience could be viewed as peremptory and arrogant (Aes. 1.34; Dem. 21.194; Lys. 12.74; Dem. 25.95). More effective and less risky was the use of the art of persuasion.

3. Parrhêsia *and persuading through manhood*

I will not deal here with the much-discussed subjects of the image of skilled speakers or of attitudes toward persuasion in Athenian democracy. Briefly, the Athenians recognized the functional role of skilled speakers in guiding the people toward beneficial goals, but at the same time, were greatly concerned about their ability to abuse their persuasive power. My aim is rather to show that the power struggle between a speaker and his audience encompassed not only his ability to speak in public but also his right to speak his mind. For if the audience could demonstrate its power over the speaker by impairing his ability to speak as he wished, a persuasive speaker could use the democratic license to speak openly and criticize the *dêmos*, that is, to speak with *parrhêsia*, in order to bend the people to his will. Athenian democracy permitted citizens to use frank speech in the cause of benefiting the state, guiding the people to the right course of action, and educating them to become better citizens.[20] Yet the right to criticize and admonish the people in the name of these goals also made it possible for a public speaker to undermine the audience's self-perception as better and more powerful men than the one who address them, to impress upon them how much they needed, and were dependent on, him, and, thus, have them yield to his guidance. In the rest of the paper I would like to focus on means

[19] See Fisher 2001, 163–164, with bibliography.

[20] For the constructive role of *parrhêsia* and the legitimacy of reproaches see, e.g. Dover 1974, 23–24; and note 1 above.

of attaining this purpose, which seem not to have drawn much scholarly attention, and which revolved around questioning the *dêmos*' manly attributes.

Speakers questioned the *dêmos*' masculinity and supremacy directly and indirectly. Because the power struggle between speakers and their audiences was fully integrated with conflicts over power and influence among competing speakers, one safe, though indirect way, of challenging the people's masculinity was to portray rival speakers as inducing the *dêmos* to succumb to human weaknesses, which undermined its virile character. In both *On the Chersonese* and in the *Third Philippic*, Demosthenes blames the poor state of affairs of Athens on those who were more interested in winning the people's favor than in advocating the best policy for the state. The results of their flattery and appeals to people's *truphê* ('softness', 'complacency') and *hêdonê* ('pleasure') were the silencing of conscientious public servants like Demosthenes (Dem. 8.34; 9.2–4; cf. 18.138; Aes. 3.127). A soft and self-indulgent *dêmos* was a danger to itself because man carried within himself the seeds of his own destruction in the form of desires and even unmanly tendencies that had to be checked. The theme of the politician as the subversor of the *dêmos*' manly conduct and values recurs elsewhere in Demosthenes' *On the Chersonese*. As noted above, he blames his opponents for making the people appear frightening and tough in the Assembly, but lazy and contemptible in war (Dem. 8.32–33; cf. 19.113). Implied in the orator's charge of rival orators is criticism of the *dêmos* for failing to meet its civic and masculine duties as well as for using its power to raise a clamor in a counterproductive or misdirected way. It is apparently out of concern about the audience's hostile reaction to his words that the speaker forwards his criticism with a direct appeal to *parrhêsia*, or his right and duty to be frank and truthful in the Assembly (Dem. 8.32).

Sometimes, the blame for emasculating the *dêmos* is divided between the compliant *dêmos* and the politicians. Demosthenes discusses this aspect of the *dêmos*-leader's relationship when he avails himself of the commonplace contrast of Athens' golden past and its gloomy present.[21] In the past, the Athenian people, whose leaders were modest and shunned ephemeral popularity, led Athens to rule over Greeks and barbarians, enhanced her fame, enriched the city and spent her wealth on the *dêmos*, while leading a life of moderation in private (Dem. 3.21–26).

[21] Dem. 3.21–32; 13.26–31; cf. 23.206–210; Isoc. 8.129–130; Ober 1989, 319–320.

The reason for such a blessed state of affairs was that the *dêmos* dared to act and fight, and was the master (*despotês*) of the politicians, and in control (*kurios autos*) of all benefits, honors, and offices. At present, however, the corrupt politicians disinherited the people from their past fame, power, and earthly goods and caused the *dêmos* to change rank and character from that of a master to that of an underling and appendage (*en hupêretou kai prosthêkês merei gegenêsthe*: Dem. 3.31). The metamorphosis, in spirit and standing, of the *dêmos* from a giver to recipient and from a ruler to servant or slave, resulted in submissiveness that was incompatible with the democratic power structure, with Athenian national character (Dem. 8.60), as well as with normative manhood. Accordingly, Demosthenes goes on to argue that the politicians' control over public expenses turns the *dêmos* into prisoners of their inducements and into dependent, tame and domesticated persons (*kheiroêtheis*), and sarcastically reproaches his audience with their superlatively virile behavior (*to pantôn andreiotaton*) when they feel grateful for what is their own. The people cannot have a great and vigorous mind (*mega kai neanikon phronêma*) when they are doing small and trivial things (Dem. 3.31–32).[22] Even though the speaker makes the politicians the chief culprits in the people's loss of manhood, the people shared the blame because they allowed the politicians to subjugate them politically and mentally. What facilitated the use of a rhetoric that impugned the people's manhood was the legitimizing power of *parrhêsia*, which reduced the risk of alienating them.

Demosthenes' criticism of the people had the merit of making them aware of their loss of manly spirit and of encouraging them to awaken it. Its concomitant aim was to pit the people against his rivals so that they would get rid of them. At the same time, his disputing the people's masculine attributes paved the way to their yielding to his arguments. It put the popular audience in a defensive position for failing to meet its own ideals (Ober 1989, 320–321) and questioned their right to power and superior rank.

Demosthenes' efforts to convince the Athenians of the need to check Philip's aggression show how a speaker could use the powers of free speech and of masculine perceptions both to exhort and reproach the *dêmos* as well as to display his own manly advantage over them. In

[22] Cf. Xen. *Oec.* 7.10 with Pomeroy 1994, 272 for the vocabulary of taming women. For the association of revenues and power: Kallet-Marx 1994.

addition to his warnings against Philip's ambitions, he invokes the proactive nature of manhood by calling upon the Athenians to serve, fight, take heart, seize opportunities and initiatives, do their duty, act and so on, and combines these calls with criticism of the people on their inaction, laziness, lack of manly courage, their shortsightedness, lack of reason and giving way to pleasure, and their evading their responsibilities.[23] Occasionally in his war rhetoric Demosthenes charges them with talking rather than doing, an accusation that was more often directed against public speakers for being men of words instead of deeds.[24] He also remonstrates with them for giving away honors and reputation belonging to themselves to their generals and even to unworthy political activists (Dem. 8.66; 13. 22; cf. 23.197–198). Demosthenes adds to his reproaches statements about his frank speech, and his willingness to make a sacrifice, bravely risk unpopularity or pay a heavy personal price for his political activity.[25] A few examples will suffice. In the *First Olynthiac* he asserts that in spite of his knowledge about the *dêmos*' misguided wrath against speakers he will not budge or watch out for his personal safety, but will propose launching a military expedition after all (Dem. 1.16). In the *Third Olynthiac*, he indicates his readiness to suffer the consequences of speaking plainly shortly after he berates the people for having lost the 'courage to act and fight' (Dem. 3.30–32). Alluding to the same risk he argues in his *First Philippic* that his speaking frankly was in the public interest but probably not in his own (Dem. 4.51). Lastly, in his *On the Chersonese* he remonstrates with the people on account of their inertia, lack of foresight and their unwillingness to contribute to the state war efforts, but commends himself for speaking his mind and for being a truly courageous man (Dem. 8.23–24, 46, 68).[26] Thus, by speaking his mind he claims, in contrast to his listeners, to fully answer masculine and civic expectations, which legitimized his sway over a group whose power was greater than his.

[23] Invoking actions combined with criticism: e.g. Dem. 1.6–11, 24; 3.9, 20, 33; 4.7–10; 8.76–77. Criticism of inactivity, feebleness, and cowardice: Dem. 3.31; 4.8, 10, 42; cf. 19.224; shortsightedness, delaying and missing opportunities: Dem. 1.8–10, 15; 3.9; 4.37; 10.29, 54; lack of reason and yielding to pleasure or anger: Dem. 1.15 and below; refusing to do their duties and evading responsibility: Dem. 3.3, 20; 4.7; 8.22.

[24] E.g. Dem. 2.12; 3.4–5, 15; 4.36–37; 8.22; 13.22, 32–35; 15.28; cf. *Pr.* 21.3.

[25] For the following see Balot in this volume, whose analysis of the relations between free speech and the courage of speakers, and the benefits of each to democratic deliberation, well complements the present discussion.

[26] See also: Dem. *Pr.* 38.3; Ober 1989, 318–332. Cf. Russell 1990, 206–207; Roisman 1999.

Another form of rhetorical reproach served to shake the people's self-confidence in their intelligence and soundness of judgment, two masculine attributes or desiderata.[27] The orators often exalted the Athenians for their intelligence and rationality, which complemented their outstanding manly, moral, and civic character.[28] Yet some public speakers questioned, directly or indirectly, the *dêmos*' collective wisdom or ability to make the right decisions. In either form, the challenging of the *dêmos*' intelligence and judgment was sanctioned by the ideology of *parrhêsia*, which allowed a speaker to rebuke and criticize the audience in the name of the good of the polis.

Thus we find Demosthenes confronting the people directly for acting unwisely and unreasonably. He accuses the people of lacking good sense (Dem. 2.26), of displaying stupidity and insanity in their eagerness to listen to bad leaders (Dem. 9.54–55; cf. 8.34), of being self-delusional (Dem. 4.38; 10.49), or of deriving pleasure from slander against good advisers which causes them to harm public interest (Dem. 18.138). He and Lysias remind the people of having made in the past bad, but avoidable, decisions in the Assembly or the courts (Dem. 18.132–134; 21.27; 23.206; 51.15), and they complain about the people putting their trust in men of despicable character as character witnesses for others or as office holders (Dem. 51.27; Lys. 30.28). They also note the people's failure to detect corrupt and self-serving leaders (Lys. 27.10–11).

A less direct criticism of the people involved the ascription of allegedly erroneous popular decisions to misleading speakers, a rhetorical tactic resembling the one used in court that blamed deceptive pleaders for supposedly wrong verdicts.[29] On the one hand, such claims exonerated the people from the responsibility for, and the shame of, reaching

[27] For intelligence as masculine, see, e.g. Aristotle *Pol.* 1254b3–16, who argues for a natural and beneficial dichotomy between ruler and ruled, which he divides into the following pairs: soul rules the body; mind, or intellect, rules the appetites; reason rules the emotions; humans rules animals; and the superior male rules the inferior female. Women possessed the deliberative part of the soul, but are not allowed or are powerless to use it: *Pol.* 1260a9–23. See also Lysias' reference to virile Heracles instituting an Olympic competition in intelligence (from which women were excluded): Lys. 33.2; cf. Dover 1974, 120; Thoronton 1997, 73.

[28] Intelligent Athenians and appeals to the audience to use their own intelligence and pragmatism: esp. Dem. 3.15; 6.18, 27; 9.15; 10.13; 19.161; 23.109; Is. 11.19; Ober 1989, 157. Cf. Dem. *Pr.* 44.1; 45.2; Thuc. 1.84.3; Ober 1989, 163–165; Yunis 1996, 40–43, 78.

[29] Cf. General Introduction; deceptions in trial: e.g. Is. 5.8; Dem. 23.97; 37.45; 43.28; 45.6–7; 59.5.

wrong conclusions. On the other hand, it suggested that the people could be easily duped, lacked good judgment, and that they could not discern a liar and an evil doer without the help of the speaker who was wiser or more knowledgeable than they were.[30] There were other ways of implicitly admonishing the people and challenging their ability to know what was good for them. Alongside flattery of the people on their intelligence, speakers undermined their praise when they scolded them for ill-using it or raised doubts about its existence. Demosthenes favorably contrasts the Athenians' intelligence with other Greeks' lack of judgment, but then argues that, in spite of their good reasoning faculty and their speakers' warnings, the people preferred to sit idle and gratify ephemeral pleasures rather than meet dangers (Dem. 6.26–27).[31] In a speech he wrote for the prosecutor of Aristocrates, which challenged a decree proposed by the latter, the speaker both commends the *dêmos* on its good judgment and complains that they failed to apply it correctly (Dem. 24.145–147). Aeschines, too, praises the Athenians on making laws, which are just, unbiased, and thanks to the people's intelligence, the best possible, and immediately goes on to reproach them for making erroneous, if not disastrous, political and judicial decisions because they tend to lose their focus and are easily misled (Aes. 1.178–179). It is noteworthy that he precedes these observations with a declaration that he will not hesitate to speak frankly (*ouk oknêso … parrhêsiasasthai*; 3.177). Both a Lysian speaker, and to a greater degree, Demosthenes, express their astonishment at their audience's failure to see what they, the speakers, were able to observe, showing, thus, their possession of a sounder mind.[32]

Demosthenes also shows how a speaker can combine questioning of the *dêmos*' ability to make a sound judgment with taking credit for his own insight in a more subtle and artful way. He tells his audience about an incident when he was mocked and interrupted while trying to warn the Assembly of empty promises made by Aeschines and his ally Philocrates about the peace with Philip in 346. The audience joined his enemies in laughing at him and refused to hear him out, which was quite understandable given their high hopes and people's natural

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[30] Deceptions in political assemblies: e.g. And. 3.3; Dem. 19.68, 77; Din. 1.47; cf. Dem. 18.276, 282; Montgomery 1983, 20–26; Ober 1989, 169; Hesk 2000, esp. 163–179.

[31] Cf. Dem. 3.3. Cautious speakers could also criticize the audience by attributing the censure to other men, see Lys. Fr. 75 (Thalheim); Isoc. 18.10, 36, and Dover 1974, 23.

[32] Lys. 34.2; Dem., e.g. 2.24–26; 4.43; 6.6; 15.19; 18.159.

dislike of a doomsayer (Dem. 19.23–24). Demosthenes' gentle reproach of the people and his professed understanding of their misguided use of their power to prevent a speaker from speaking his mind portrays them, at the same time, as men easily manipulated, prone to self-deception, and captivated by harmful speakers. By reminding the people that he was right and they had been wrong or that he was sensible and prudent and they were not, the speaker hoped to make this type of relationship into a pattern or a precedent that would convince the people to follow him in the future and refrain from using their power to ruin his performance (cf. 19.25–26). In such ways, a speaker increased the people's dependence on him and weakened their confidence in their own judgment.[33]

It is somewhat ironic that Demosthenes, who accused the *dêmos* of losing its manly attributes because of its dependence on the politicians who controlled public revenues (Dem. 3.31; cf. Isoc. 8.129), made great efforts in various speeches to make them needy of him. The people's dependence on the speaker was especially evident when he played the role of the people's knowledgeable adviser (*sumbolos*) or guide. The adviser mastered the situation when he made sense of the world around, defined the problems and offered solutions to an audience whose lack of knowledge or understanding of what was going on put it at a clear disadvantage (e.g. Dem. 1.6; 18.62).[34]

No less important, the adviser's superior knowledge and powers of observation should have encouraged the people to check their power to silence him in the Assembly and to welcome his use of his right to speak frankly. In his speech *On the Crown* (delivered in 330), Demosthenes describes the almost ideal conditions for a public speaker to assume control over the *dêmos* who needs him and his persuasive power (Dem. 18.168–179). He recalls Philip's capture of the Phocian city Elatea in 339, which raised the prospect of a Macedonian alliance with Thebes and invasion of Attica, and portrays Athens following the capture as a city in fear, confusion, and disarray (Dem. 18.168–169). He claims that even though the fatherland was crying for salvation, not one general,

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33 See also Dem. 5.3–10, and Yunis 1996, 262–263 for a more generous interpretation of Demosthenes' tale in 19.23–24. Arnould 1990, 115 sees in it a harsh criticism of the *dêmos*, but see MacDowell 2000, 217.

34 For the expert power of the people's adviser: Kallet-Marx 1994; cf. Wankel 1976, 1081; Usher 1993, 254; Yunis 1996, 237–277. It should be noted, however, that other experts could check the expert power of the *rhêtor*. For the following, see especially Yunis 1996, 268–277.

speaker, wealthy man, or even ordinary citizen came forward and made suggestions about what to do. The crisis, highlighted here through a *thorubos* ('vocal distress', 18.168, 169, 174) on the one hand, and fearful silence on the part of any one willing or able to speak up (18.171), on the other, called for a man, namely Demosthenes, who could offer a way out because he had a long-standing expertise in Philip's character and policies, and because he, alone of all speakers and politicians, did not desert his post (Dem. 18.173). Demosthenes goes on to recapitulate for the benefit of his audience the speech he delivered in the Assembly on that occasion. In it, he called upon the Athenians to relax their fears and proceeded to dispel them through claims of personal (and therefore unique) knowledge of the situation in Thebes and of Philip's plans, which demonstrated both the unlikelihood of an imminent Macedonian march on Attica and the fact that cooperation between him and Thebes against Athens was avoidable. He promised his audience that he would remove danger from the city and told the people that if they approved of his military and diplomatic plans of action, they would be able to check Philip's threats and to ensure Thebes' support of Athens (Dem.18.174–179).

In providing this kind of public service, Demosthenes follows his own recipe for the ideal *rhêtor*, which he produces not long after his recapitulation of the above Assembly speech. In it he defines the good adviser as the one who is supposed to see developments at their inception, to foretell and warn against them, to overcome impediments inherent in the government of the polis, and to create a positive atmosphere and motivation toward action (Dem. 18.246; cf. 4.39; 25.33). Yet, judging by Demosthenes' own testimony, he was not just a commentator, a catalyst, and an adviser, but the only man capable of saving the city, largely because he had the knowledge of what should be done and the manly spirit and skills to prevail over paralyzing fear and uncertainty. Claiming such a unique combination of expertise, readiness to step forward and speak up, and manhood, or criticizing the people for their misjudgments in the name of *parrhêsia*, allowed the speaker to exert power over the people and augment their need of him as a man who could tell them what to do.

4. *Conclusion*

In conclusion, the interactive character of Athenian oratory and the *rhêtors*' mutual recriminations show both the *dêmos* and the leaders as actively engaged in the power struggles of democratic Athens. In both the courts and the Assembly, orators faced audiences, who, by law and self-perception, held the supreme power in the state, who viewed themselves as more moral than the speakers, and who often showed their muscle in unruly behavior, which served both to test the speakers' mettle and to demonstrate their own right to speak. It also testified to the fact that their willingness to listen to the speakers or to concede them prominence was temporary and uncertain. The orators, in turn, availed themselves of the right to speak frankly, and in the public interest to deal with their hearers' interruptions, to criticize them, and even to put them down. The rhetoric of manhood and manipulating masculine values formed an integral part of this struggle over political power in democratic Athens.[35]

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CHAPTER THIRTEEN

SOCRATIC *PARRHESIA* AND ITS AFTERLIFE IN PLATO'S *LAWS*

Marlein van Raalte

1. *Introduction*

In the fifth century BCE the city of Athens, with its reputation for *parrhêsia*, freedom of speech,[1] is the sophist's paradise. People meet there for debating contests, for rhetorical competitions with arguments pro and con, in which it matters little whether the speaker defends one point of view or its opposite. The city also provides a market for sophists operating in a less detached role: they are hired to teach the sons of well-to-do fathers, who are willing to pay large sums of money to give their sons a good start in political life—for which the power of speech was a necessary condition.[2] In this political context, although one is allowed to say everything, the criterion for what one will actually (learn to) say, will be whether what one is saying, and how one is saying it, leads to success in the Assembly, or to success in court.[3]

If Athens is the place where you are free to say what you want, it must be also the place where you are free to speak the truth—if that is what you want. In a situation where success counts, as it does in the Athenian polis, this is not necessarily the most profitable strategy. As far as Socrates is concerned, however, searching for, and speaking the truth is not just an optional course to follow. In his view, every sensible man will search for and speak the truth—since the truth coincides with

[1] The term *parrhêsia* may refer either (1) to a political (or otherwise social) situation in which one is free to speak one's mind ('freedom of speech'), or (2) to the activity (παρρησιάζεσθαι), attitude, or quality of an individual ('free speech', 'frankness').

[2] Pl. *Prt.* 311a8ff.; *Lach.* 179a1ff. See e.g. Munn 2000, 71f.: 'popular leaders were those who regularly came forward to speak in the Assembly, before the Council, or before any other board of public officers that had to deliberate on matters in the people's interest. Inasmuch as their leadership was not dependent on any formal office, such volunteer speakers were not accountable for specific conduct. Their power lay in their ability as speakers to persuade the majority to vote as they advised. Leadership of this sort invariably came from the ranks of those who were, or could claim to be, the worthy, capable and wealthy—members of the Athenian upper class'.

[3] See also Balot in this volume.

what is good, which (more or less tautologically) stands for 'what you want'.[4] Socratic *parrhêsia*, then, amounts to the freedom to speak the truth, however unwelcome it may be to the audience. As such it is part and parcel of Socratic dialectic (section 2).

The Socratic concept of *parrhêsia* is prominent especially in Plato's *Gorgias*, where Callicles is welcomed as a fellow in nonconformist frankness (sections 3 and 4). Here the rhetorical practice of the polis, whose objective it is to please the audience, is opposed to a more positive kind of rhetoric, which is bold enough to give voice to what one conceives as the right point of view, however unpopular it may be—in the conviction that it contributes to the well-being of the individual.[5] The exploration of this concept arguably brings us to the core not only of Socrates' challenge to sophistic practice but also of his conflict with the city of Athens—as becomes painfully manifest in the *Apology* (section 5), where Socrates turns out to be unable to bridge the gap between what the city wants to hear and what he is convinced is the right thing to say. In section 6 it will be argued (rather more briefly) that Plato's design for a political community in which a Socrates would not be sentenced to death, reveals traces of 'Socratic *parrhêsia*' testifying to a distinctly anti-democratic bias.

2. Parrhêsia *and dialectic*

Athens is the setting of Plato's Socratic dialogues, in which Socrates is pictured as trying to bring his ambitious partners in conversation to the unwelcome conclusion that they are pursuing the wrong kind of success: *real* success does not depend on material things or on popularity among the people. Success, rightly understood, is based on knowledge of the truth, of the good, of justice, and this, rather than the response of the audience, should determine what you say. Knowledge of the truth is not to be attained by rhetorical means, but only by dialectical discussion. So, when in Plato's *Gorgias* Socrates says to Polus that it would be strange if he were not allowed in Athens of all places[6] to say everything

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[4] Cf. the Socratic principle οὐδεὶς ἑκὼν (ἐξ)αμαρτάνει (*nemo sua sponte peccat*), *Prt.* 345d9—e4, cf. *Grg.* 488a3–4. The verb βούλεσθαι is thematic in *Grg.* 466c7–469c2.

[5] With the convenient analogy of cook and physician: *Grg.* 462b4–466c2; 502d10–503d4; 521a2–e1 (below). Cf. Munn 2000, 79–83.

[6] Cf. Pl. *Apol.* 37c–d: if the people of Athens cannot bear Socrates' conversations, what other city would accept it?

he wants, he adds that Polus should only take care not to lapse into μακρολογία, into continuous speech (Pl. *Grg.* 461c8–462a5):[7]

SOCRATES: (…) if Gorgias and I are stumbling now in what we say—well, you're on hand, straighten us up again. That's only right. And if you think we were wrong to agree on anything we agreed upon, I'm certainly willing to retract any of our agreements you like, provided that you're careful about just one thing.
POLUS: What do you mean?
SOCRATES: That you curb your long style of speech, Polus, the style you tried using at first.
POLUS: Really? Won't I be free to say as much as I like?
SOCRATES: You'd certainly be in a terrible way, my good friend, if upon coming to Athens, *where there's more freedom of speech than anywhere else in Greece*, you alone should miss out on it here. But look at it the other way. If you'll speak at length and be unwilling to answer what you're asked, won't I, on the other hand, be in a terrible way if I'm not to have the freedom to stop listening to you and leave?[8] But if you care at all about the discussion we've had and want to straighten it up, please retract whatever you think best, as I was saying just now. Take your turn in asking and being asked questions the way Gorgias and I did, and subject me and yourself to refutation.[9]

ΣΩ. (…) καὶ νῦν εἴ τι ἐγὼ καὶ Γοργίας ἐν τοῖς λόγοις σφαλλόμεθα, σὺ παρὼν ἐπανόρθου —δίκαιος δ' εἶ—καὶ ἐγὼ ἐθέλω τῶν ὡμολογημένων εἴ τί σοι δοκεῖ μὴ καλῶς ὡμολογῆσθαι, ἀναθέσθαι ὅτι ἂν σὺ βούλῃ, ἐάν μοι ἓν μόνον φυλάττῃς.
ΠΩΛ. Τί τοῦτο λέγεις;
ΣΩ. Τὴν μακρολογίαν, ὦ Πῶλε, ἣν καθέρξῃς, ᾗ τὸ πρῶτον ἐπεχείρησας χρῆσθαι.
ΠΩΛ. Τί δέ; οὐκ ἐξέσται μοι λέγειν ὁπόσα ἂν βούλωμαι;

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7 Socrates himself, of course, is not above taking refuge in μακρολογία—especially if the conversation partner fails to see Socrates' point in the dialectical discussion (e.g. *Grg.* 465e1f., 519e) 'thereby tacitly sanctioning the double standard which allows him to exploit to the hilt the persuasive possibilities of rhetoric while forbidding his interlocutors to do the same' (Beversluis 2000, 11–12; but compare *ibid.* 321). However, as is the case with many instances of Socrates' breaking the rules of dialectic, the suggestion seems to be that, if necessary, the aim of finding the truth justifies the use of inferior means. This recurrent phenomenon in the Socratic dialogues makes it clear that, while the art of rhetoric should be rejected as producing persuasion without knowledge, the dialectical method as a form of discourse leading to the (objective) truth is dependent for its success also on the 'quality' of the conversation partners. This seems to be confirmed by the fact that, contrary to the expectations in evidence in the early ('Socratic') dialogues, the recognition of the Good requires a special moral authority that derives from the divinity (compare section 6 below).

8 See p. 283–284 with n. 18 below.

9 The translations are more or less closely based on Cooper 1997.

> ΣΩ. Δεινὰ μεντἂν πάθοις, ὦ βέλτιστε, εἰ Ἀθήναζε ἀφικόμενος, *οὗ τῆς Ἑλλάδος πλείστη ἐστὶν ἐξουσία τοῦ λέγειν*, ἔπειτα σὺ ἐνταῦθα τούτου μόνος ἀτυχήσαις. ἀλλὰ ἀντίθες τοι· σοῦ μακρὰ λέγοντος καὶ μὴ ἐθέλοντος τὸ ἐρωτώμενον ἀποκρίνεσθαι, οὐ δεινὰ ἂν αὖ ἐγὼ πάθοιμι, εἰ μὴ ἐξέσται μοι ἀπιέναι καὶ μὴ ἀκούειν σου; ἀλλ' εἴ τι κήδῃ τοῦ λόγου τοῦ εἰρημένου καὶ ἐπανορθώσασθαι αὐτὸν βούλει, ὥσπερ νυνδὴ ἔλεγον, ἀναθέμενος ὅτι σοι δοκεῖ, ἐν τῷ μέρει ἐρωτῶν τε καὶ ἐρωτώμενος, ὥσπερ ἐγώ τε καὶ Γοργίας, ἔλεγχέ τε καὶ ἐλέγχου.

The *proper* method—dialectic[10]—proceeds by question and answer between two individuals: for every step in the argument the explicit agreement (ὁμολογία)[11] of both partners is required. If one of them fails to agree, or if a proposition entertained appears to be in conflict with other propositions already adopted, the conversation partners must go back to a point they earlier agreed upon.[12] The idea behind this way of proceeding is that reality by its very nature is consistent, and ultimately can be mapped by a set of consistent propositions.[13]

Socrates' reply to Polus suggests that the prohibition against μακρολογία does not infringe upon the climate of *parrhêsia*. Now this does not seem to be unreasonable, insofar as it claims to be a restriction on the form, not on the contents of what one is saying. Nevertheless,

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[10] 'Dialectic' is used here in a comparatively neutral sense (most closely connected with the verb διαλέγεσθαι) expressing 'the idea that there could be a supreme method for reaching ultimate truth (…) which would operate solely by conversation in the form of question-and-answer', Robinson 1953^2, 88. See also n. 13 below.

[11] As Beversluis (2000, 45–58; see also *ibid.*, 39–40) rightly remarks, in practice the ὁμολογία often amounts to *qualified* assent on the part of the interlocutor. Socrates' disregard of this fact does not necessarily impair the principles of a dialectical discussion, considering that if the qualifications are significant enough, one is expected to withhold one's assent (*contra* Beversluis 2000, 57). The failure on the part of the interlocutor to object to Socrates' reformulating his assertion often testifies to a weakness to be recognized as being 'true to character'—also adding to the dramatic appeal of the dialogues. Cf. McKim 1988, 46.

[12] See e.g. *Chrm.* 172c4ff.; in other cases, the discussion makes a new start with a different conversation partner, at the point where the former one appeared to be incapable or unwilling to give the right answer: see e.g. *Lach.* 197e10ff., *Grg.* 461b3ff., 482c5ff.

[13] See e.g. *Grg.* 482a4–c3; *Crat.* 436d4–7. See also Socrates' own etymology of διαλέγεσθαι, according to X. *Mem.* 4.5.12: ἔφη δὲ καὶ τὸ διαλέγεσθαι ὀνομασθῆναι ἐκ τοῦ συνιόντας κοινῇ βουλεύεσθαι διαλέγοντας ('distributing', 'classifying') κατὰ γένη τὰ πράγματα. If nothing else, the latter passage indicates that in Socratic context anyway, the prefix δια- here expresses division / distinction (* *dis*) as in διασχίζειν, διαφέρειν, rather than 'throughout', 'to the end' (which seems to be a secondary use: see Chantraine 1968, 275f.). (*Contra* Smith 2000, 115: 'it can be shown, I contend, that far from demonstrating something, "showing" something, or "pointing" something "out" in some sort of *apo-deiknunai*, Plato's *dialegesthai* opens up questions in "talking" things "through".')

for a sophist things could not be worse, since in brief answers there is distressingly little use for the toolbox of rhetorical persuasion. Upon reflection, however, the rules of the game dictated by Socrates also have a considerably farther-reaching consequence: subscribing to the rules of dialectic implies subscribing to the aim of finding the truth.

One might expect a sophist—aware as he is of the gap between dialectic and his own aims and talents—not to be easily tempted to engage in this kind of pursuit. On the other hand, it seems likely that the chance of carrying the day in front of an interested audience (consisting of potential clientele, too) made sophists quite willing to play Socrates' game on his own rules. After all, on the surface, Socrates' ambition seems to be not unlike the sophist's desire to beat his opponent in a verbal contest.[14] Only, as Socrates does not tire of stressing, in dialectic one does not try to get the better of a human opponent but of the subject-matter under discussion (that is, one's φιλονικία is directed against τὸ πρᾶγμα);[15] both partners in the discussion cooperate to reach this goal—which is why it does not matter who is asking the questions and who is giving the answers:[16] if necessary, the discussion may even take the form of a 'dialogue intérieur'.[17]

The aim and purpose of a dialectical discussion, then, accounts for the—at first sight somewhat curious—argument brought forward by

[14] Xenophon argues that Critias and Alcibiades knew that in argument Socrates could do anything he liked with any conversation partner (τοῖς … διαλεγομένοις αὐτῷ πᾶσι χρώμενον [sc. Σωκράτην] ἐν τοῖς λόγοις ὅπως βούλοιτο); they sought Socrates' company only because they wanted to be made ἱκανωτάτω λέγειν τε καὶ πράττειν as an equipment for a political career (*Mem.* 1.2.12–16, cf. 1.2.47). As one of the Thirty, Critias ordains that it is against the law λόγων τέχνην … διδάσκειν, which, according to Xenophon, was a calculated insult to Socrates (*Mem.* 1.2.31). Xenophon adds that he is not aware that Socrates ever indulged in such a practice.

[15] *Grg.* 457c4–458b3; 515a7–c4. Here again, in actual practice this is not always very striking: 'Although [the Socrates of the early dialogues] habitually affirms that he is searching for truth and habitually denies that he is arguing for victory, he seems inordinately intent on winning arguments—often by whatever means' (Beversluis 2000, 39, with n. 8 for literature on the distinction between dialectic and eristic). Presumably, Socrates' own answer would be that by his sharp manner of arguing he is only trying to take away false ideas on the part of his interlocutors—without actually replacing them with a view of his own. By making room for better arguments, the 'victory' he is aiming at does concern the subject-matter under discussion, in the sense that it offers new opportunities to attain the truth. Compare Socrates' reply to Meno's criticism of his conduct, *Meno* 79e7–80d4.

[16] E.g. *Grg.* 462a1–5,b1–2; cf. 458a–b3.

[17] E.g. *Grg.* 506b6ff., *Theaet.* 189e6–190a6, *Lg.* 892e5ff. Cf. Arist. *Top.* 163b3–4.

Socrates in the discussion with Polus cited above.[18] In full recognition of the freedom of speech upon which the citizens of Athens pride themselves, Socrates argues that 'on the other hand' it would be hard on *him* if, when Polus is unwilling to answer the question and proceeds to make a lengthy speech instead, *he* will not be free to leave.[19] In fact, Socrates here claims for himself the reverse side of his own conception of *parrhêsia*: the freedom to walk out on people who (in his opinion) fail to use speech in service of the truth.

From the fact that the dialectician fights the problem, not a human opponent, it follows that success cannot be measured by cheers from the audience; likewise, if the audience disagrees, or is even laughing at him, this does not matter at all (473d7–474b5):[20]

> SOCRATES: In that case neither of them [two men trying to acquire for themselves a tyranny by unjust means] will ever be the happier one, neither the one who gains tyrannical power unjustly, nor the one who is punished—for of two miserable people one could not be happier than the other. But the one who avoids getting caught and becomes a tyrant is the more miserable one. What's this, Polus? You're laughing? Is this now some further style of refutation, to laugh when somebody makes a point, instead of refuting him?
>
> POLUS: Don't you think you've been refuted already, Socrates, when you're saying things the likes of which no human being would maintain? Just ask any one of these people.
>
> SOCRATES: Polus, I'm not one of the politicians. Last year I was elected to the Council by lot, and when our tribe was presiding and I had to call for a vote, I came in for a laugh: I didn't know how to do it. So please don't tell me to call for a vote from the people present here. If you have no better 'refutations' than these to offer, do as I suggested just now: let me have my turn, and you try the

[18] Freedom of speech (ἐξουσία τοῦ λέγειν) being matched with the freedom to walk out on one's conversation partner (εἰ μὴ ἐξέσται μοι ἀπιέναι καὶ μὴ ἀκούειν σου); see p. 282 above, and section 5 ad n. 80 below. See also Wallace on θόρυβος, this volume.

[19] The effectiveness of Socrates' response certainly provides a convincing portrayal of the sensibilities of his interlocutor ('The prospect of someone walking out during one of his magnificent epideictic displays is more than he [sc. Polus] can bear', Beversluis 2000, 318); on a different level of analysis, however, it is obvious that the dialogue requires the continuation of Socrates' presence. The 'freedom of speech' of rhetorical practice in Athens is effectively contrasted with the 'freedom to leave' in a dialectical situation. In fact, in a dialectical situation someone who does not wish to conform to the formal rules of dialectic actually *has the obligation to leave* (and, conversely: anyone who does not leave may be expected to follow the rules of dialectic): see Socrates' confrontation with Protagoras (*Prt.* 335c5–338e5) and Socrates' attitude towards the laws of Athens, p. 303–304 with n. 80 below.

[20] See also 471e2–472c2.

kind of refutation I think is called for. For I do know how to produce one witness to whatever I'm saying, and that's the man I'm having a discussion with. The majority I disregard. And I do know how to call for a vote from one man, but I don't even discuss things with the majority. See if you'll be willing to give me a refutation, then, by answering the questions you're asked. For I do believe that you and I and everybody else consider doing what's unjust worse than suffering it, and not being punished worse than suffering punishment.

ΣΩ. Εὐδαιμονέστερος μὲν τοίνυν οὐδέποτε ἔσται οὐδέτερος αὐτῶν, οὔτε ὁ κατειργασμένος τὴν τυραννίδα ἀδίκως οὔτε ὁ διδοὺς δίκην· δυοῖν γὰρ ἀθλίοιν εὐδαιμονέστερος μὲν οὐκ ἂν εἴη· ἀθλιώτερος μέντοι ὁ διαφεύγων καὶ τυραννεύσας. τί τοῦτο, ὦ Πῶλε; γελᾷς; ἄλλο αὖ τοῦτο εἶδος ἐλέγχου ἐστίν, ἐπειδάν τίς τι εἴπῃ, καταγελᾶν, ἐλέγχειν δὲ μή;

ΠΩΛ. Οὐκ οἴει ἐξεληλέγχθαι, ὦ Σώκρατες, ὅταν τοιαῦτα λέγῃς ἃ οὐδεὶς ἂν φήσειεν ἀνθρώπων; ἐπεὶ ἐροῦ τινα τουτωνί.

ΣΩ. Ὦ Πῶλε, οὐκ εἰμὶ τῶν πολιτικῶν, καὶ πέρυσι βουλεύειν λαχών, ἐπειδὴ ἡ φυλὴ ἐπρυτάνευε καὶ ἔδει με ἐπιψηφίζειν, γέλωτα παρεῖχον καὶ οὐκ ἠπιστάμην ἐπιψηφίζειν. μὴ οὖν μηδὲ νῦν με κέλευε ἐπιψηφίζειν τοὺς παρόντας, ἀλλ' εἰ μὴ ἔχεις τούτων βελτίω ἔλεγχον, ὅπερ νυνδὴ ἐγὼ ἔλεγον, ἐμοὶ ἐν τῷ μέρει παράδος, καὶ πείρασαι τοῦ ἐλέγχου οἷον ἐγὼ οἶμαι δεῖν εἶναι. ἐγὼ γὰρ ὧν ἂν λέγω ἕνα μὲν παρασχέσθαι μάρτυρα ἐπίσταμαι, αὐτὸν πρὸς ὃν ἄν μοι ὁ λόγος ᾖ, τοὺς δὲ πολλοὺς ἐῶ χαίρειν, καὶ ἕνα ἐπιψηφίζειν ἐπίσταμαι, τοῖς δὲ πολλοῖς οὐδὲ διαλέγομαι. ὅρα οὖν εἰ ἐθελήσεις ἐν τῷ μέρει διδόναι ἔλεγχον ἀποκρινόμενος τὰ ἐρωτώμενα. ἐγὼ γὰρ δὴ οἶμαι καὶ ἐμὲ καὶ σὲ καὶ τοὺς ἄλλους ἀνθρώπους τὸ ἀδικεῖν τοῦ ἀδικεῖσθαι κάκιον ἡγεῖσθαι καὶ τὸ μὴ διδόναι δίκην τοῦ διδόναι.

Polus' attempt to refute Socrates on rhetorical terms (by pointing out that he is bound to stand alone with his opinion) comes to nothing because Socrates does not mind at all being the laughing-stock of the whole city.[21] Taking into account Athenian political practice, Socrates rightly draws the consequence that he is not a πολιτικός.[22] In Socrates' view, a single witness should be adduced, and as long as the propositions entertained on good, dialectical, grounds are not refuted you stand firm. This firmness is based, again, on the conviction that anyone

[21] Cf. *Euthphr.* 3d5–e3: Socrates would not find it unpleasant if people laugh at him (καταγελᾶν) when he is freely speaking his mind in court: if they are serious, however, anything may happen. Cf. *Crito* 44c6ff.: never mind the opinion of οἱ πολλοί (who might think, Crito says, that Socrates' friends were not prepared to pay the συκοφάνται to let him escape from prison); it is more important to pay attention to οἱ ἐπιεικέστατοι (or, οἱ φρόνιμοι: 47a10).

[22] Compare X. *Mem.* 3.7.1ff., where Socrates is encouraging young Charmides, δυνατώτερος than the contemporary politicians, to engage in politics; here it is Charmides who objects: ἰδίᾳ διαλέγεσθαι is quite a different thing from ἐν τῷ πλήθει ἀγωνίζεσθαι (3.7.4).

in search for the truth will come to the same conclusion,[23] paradoxical as it may seem. This lack of concern for public opinion brings us to the very heart of the process that led to Socrates' death; but before turning to the *Apology* we shall briefly discuss what happens in the *Gorgias*.

3. *What Socrates and Callicles share*

Although, as we have seen, dialectical discussion in search of the truth also, in a way, curbs *parrhêsia*—in the sense that one is not allowed to express views which one does not entertain seriously—dialectic is noticeably more liberal than the practice of rhetoric as far as frankness, plain speaking, and—perhaps surprisingly—the shamelessness displayed by the speaker are concerned.

In fact, as Socrates makes clear, *parrhêsia*, frankness, is one of the three criteria for partners in a dialectical discusson, together with ἐπιστήμη ('knowledge', the effect of a good and successful education), and εὔνοια (the feeling of goodwill towards one's conversation partner). In contradistinction to the sophist Gorgias and his pupil Polus, Socrates' third interlocutor in the *Gorgias*, Callicles, meets all three criteria required: like the other two, Callicles has ἐπιστήμη and εὔνοια (which in this case appears from the fact that he is prepared to give Socrates a well-meant advice),[24] but he is the only one who shows παρρησία,[25] that is, he is the only one who is not checked by shame (αἰσχύνη). By satisfying this third criterion also, then, Callicles is quali-

[23] τὸ … ἀληθὲς οὐδέποτε ἐλέγχεται, *Grg.* 473b10–11.

[24] In what precedes, Callicles told Socrates to stop his philosophical way of life; Socrates mentions that he heard Callicles giving the same advice to his friends, and infers that he must be feeling goodwill towards himself, too. The fact that the drift of the advice conflicts with Socrates' own point of view does not impair his appreciation of Callicles' attitude: the important fact is, that Callicles is warning him in accordance with his personal, genuine conviction that philosophy is harmful to an adult, which makes Socrates all the more confident that their common effort to find the truth will be a serious enterprise. If Socrates' appraisal of Callicles as showing goodwill towards him is an instance of irony, it is of the type characteristic of Socrates: Callicles' advice is well meant but not easy to appreciate (not unlike Socrates' own paradoxical statement that you help a friend who did something wrong not by pleading in favor of his acquittal, but by promoting the punishment he deserves—the difference being that, according to Socrates, Callicles' point of view happens to be wrong, and will be proved to be so).

[25] This accounts for 'one of Socrates' rare, non-ironic compliments' (Beversluis 2000, 340–341; cf. 343). *Contra* e.g. Scarpat 1964, 59 and McKim 1988, 40 who designate Socrates' praising Callicles for his *parrhêsia* as ironical.

fied as the ideal standard by which opinions entertained can be tested: there is no need to test the question on another touchstone (ἄλλη βάσανος) (*Grg.* 486e5–487e3):

> SOCRATES: I know well that if you concur with what my soul believes, then that is the very truth. I realize that a person who is going to put a soul to an adequate test to see whether it lives rightly or not must have three qualities, all of which you have: *knowledge*, *good will*, and *frankness*. For I run into many people who aren't able to test me because they're not wise like you. Others are wise, but they're not willing to tell me the truth, because they don't care for me the way you do. As for these two visitors, Gorgias and Polus, they're both wise and fond of me, but *rather more lacking in frankness, and more ashamed than they should be.*[26] No wonder! They've come to such a depth of shame that, each of them by being ashamed dares to contradict himself in front of many people, and on topics of the greatest importance at that. You have all these qualities, which the others don't. You're well enough educated, as many of the Athenians could attest, and you have good will toward me. (…) And as to my claim that *you're able to speak frankly without being ashamed*, you yourself say so and the speech you gave a moment ago bears you out. It's clear, then, that this is how these matters stand at the moment. If there's any point in our discussions on which you agree with me, then that point will have been adequately put to the test by you and me, and it will not be necessary to put it to any further test.

> ΣΩ. Εὖ οἶδ' ὅτι, ἄν μοι σὺ ὁμολογήσῃς περὶ ὧν ἡ ἐμὴ ψυχὴ δοξάζει, ταῦτ' ἤδη ἐστὶν αὐτὰ τἀληθῆ. ἐννοῶ γὰρ ὅτι τὸν μέλλοντα βασανιεῖν ἱκανῶς ψυχῆς πέρι ὀρθῶς τε ζώσης καὶ μὴ τρία ἄρα δεῖ ἔχειν ἃ σὺ πάντα ἔχεις, *ἐπιστήμην τε καὶ εὔνοιαν καὶ παρρησίαν*. ἐγὼ γὰρ πολλοῖς ἐντυγχάνω οἳ ἐμὲ οὐχ οἷοί τέ εἰσιν βασανίζειν διὰ τὸ μὴ σοφοὶ εἶναι ὥσπερ σύ· ἕτεροι δὲ σοφοὶ μέν εἰσιν, οὐκ ἐθέλουσιν δέ μοι λέγειν τὴν ἀλήθειαν διὰ τὸ μὴ κήδεσθαί μου ὥσπερ σύ· τὼ δὲ ξένω τώδε, Γοργίας τε καὶ Πῶλος, σοφὼ μὲν καὶ φίλω ἐστὸν ἐμώ, *ἐνδεεστέρω δὲ παρρησίας καὶ αἰσχυντηλοτέρω μᾶλλον τοῦ δέοντος*· πῶς γὰρ οὔ; ὥ γε εἰς τοσοῦτον αἰσχύνης ἐληλύθα-

[26] Beversluis challenges Polus' judgment that Gorgias was shamed into inconsistency: in fact, 'Socrates has adduced him into affirming two propositions which he does not believe and which Socrates knows he does not believe' (2000, 317; cf. 307). Now this seems to be exactly what αἰσχύνη amounts to: when Gorgias starts answering Socrates' questions contrary to his belief, he ends up by denying what was his firm conviction (sc. that his profession, rhetoric, regards the use of language only: 450b9–c2; *contra* Beversluis 2000, 306–307). The fact that the position he feels forced to accept is apt to make him look like a responsible citizen, lends plausibility to Polus' (and Callicles') diagnosis that Gorgias 'was ashamed', that he was reluctant to give a socially undesirable answer. (*Contra* Beversluis 2000, 309: 'perhaps Polus', i.e., Plato's, diagnosis is a *mis*diagnosis that persists throughout the dialogue'.) Plato, the producer of the dialogue, is highlighting αἰσχύνη—the weakness of allowing oneself to be checked by social expectations—as a phenomenon destructive of dialectic.

> τον, ὥστε διὰ τὸ αἰσχύνεσθαι τολμᾷ ἑκάτερος αὐτῶν αὐτὸς αὑτῷ ἐναντία λέγειν ἐναντίον πολλῶν ἀνθρώπων, καὶ ταῦτα περὶ τῶν μεγίστων. σὺ δὲ ταῦτα πάντα ἔχεις ἃ οἱ ἄλλοι οὐκ ἔχουσιν· πεπαίδευσαί τε γὰρ ἱκανῶς, ὡς πολλοὶ ἂν φήσαιεν Ἀθηναίων, καὶ ἐμοὶ εἶ εὔνους. … καὶ μὴν ὅτι γε *οἷος παρρησιάζεσθαι καὶ μὴ αἰσχύνεσθαι*, αὐτός τε φῄς καὶ ὁ λόγος ὃν ὀλίγον πρότερον ἔλεγες ὁμολογεῖ σοι. ἔχει δὴ οὑτωσὶ δῆλον ὅτι τούτων πέρι νυνί· ἐάν τι σὺ ἐν τοῖς λόγοις ὁμολογήσῃς μοι, βεβασανισμένον τοῦτ' ἤδη ἔσται ἱκανῶς ὑπ' ἐμοῦ τε καὶ σοῦ, καὶ οὐκέτι αὐτὸ δεήσει ἐπ' ἄλλην βάσανον ἀναφέρειν.

As a true citizen of Athens, Socrates implies, Callicles shows frankness as well: significantly a 'frankness' not of the popular Athenian type, but the type of frankness advocated by Socrates, which is essential for successful dialectic: Callicles appears to be bold enough to defend what is really good (that is, in his view, what is good by nature). In the beginning of his conversation with Callicles, however, Socrates noticed that in his fondness for the people of Athens Callicles is prone to change his mind all the time; and *if* Callicles, when asked to explain this absurd conduct, 'would *prefer to* speak the truth',[27] he would be ready to admit that for his safety in the city of Athens he is simply saying whatever the δῆμος wants—a kind of caricature of democratic *parrhêsia* curbed by shame, strategically adopted by Callicles in daily practice (see section 4). When Callicles accepts this analysis of his political practice and argues that he curries favor with the people for good, strategic reasons, and goes on to urge Socrates to do the same, his conduct may be recognized, again, as a sign of his goodwill towards Socrates. This may be somewhat paradoxical, but I think it is without irony: Socrates is happy to find a conversation partner who is ready to shed his democratic skin in personal conversation—and on a different level: this part of the dialogue derives its import precisely from the fact that Callicles, while being a match for him, is not simply another Socrates. Although in Callicles' case, then, speaking the truth is not a question of principle, in his confrontation with Socrates he is prepared to be frank about the real state of human affairs, without letting himself be checked by shame.

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[27] *Grg.* 481e6–482a. The phrasing εἰ *βούλοιο* τἀληθῆ λέγειν (481a8) is suggestive: Callicles is able to choose whether he is willing to speak the truth or not. Compare the negative statement οὐκ ἐθέλουσιν δέ μοι λέγειν τὴν ἀλήθειαν διὰ τὸ μὴ κήδεσθαί μου, 487a5–6 above: other people are definitely not prepared to speak the truth—and thereby exposed as lacking in εὔνοια. As appears from the case of Gorgias and Polus, 'goodwill' is not a sufficient condition for speaking the truth either: you must show frankness unchecked by shame as well.

There is no need to summarize the confrontation of Callicles and Socrates here in full. For our purpose it will be sufficient to realize, that both assume an essentialist basis for moral decisions and that both are prepared to give voice to their conviction. Their belief in an objective criterion for moral superiority is based on some sort of natural or divine order, which may manifest itself in individuals endowed with special qualities. In Callicles' view, the man who is strong by nature has the right to rule; according to Socrates, someone having real insight in what is right and wrong has the obligation to pursue these values against all odds.

This independent mental attitude, their sharing a lack of αἰσχύνη with regard to public opinion, is why the confrontation of these two conversation partners is in principle more promising, and in any case more dramatic than Socrates' elenchus of his sophistic opponents.[28] Through Callicles' sincere exposition of what is right according to the law of nature, and even his giving voice to his extreme hedonistic views,[29] he *is* qualified as a worthy conversation partner where the others failed. Both Socrates and Callicles show the strength of character to speak out freely for the sake of the good (whatever its substance). This quality brings in the mental counterpart of Socratic *parrhêsia*, the Socratic concept of ἀνδρεία: the strength to follow the good one is focused upon, without failing through weakness of soul.[30] Like Socrates, Callicles is willing and bold enough to stand up for his ideals[31]—ideals

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[28] Although Plato is our only source for Callicles, he is probably a historical figure; in Plato's picture of him, there is no reason to call him a sophist (cf. Beversluis 2000, 339f.). Callicles' advice that one should pay heed to the ways of the people and the conventions of the city is intended merely as a strategy to survive in a polis—a social setting he rejects in the most disdainful terms (*Grg.* 483b4ff., 491e5ff.).

[29] See e.g. Callicles' eloquent invective against δικαιοσύνη and σωφροσύνη, *Grg.* 491e5–492c8—parallelled by Socrates' own credo at the end of the dialogue (527c5ff.).

[30] Callicles' praise of the man who has the guts to accomplish what he wants (*Grg.* 491b2–4, 492a1–3) finds its Socratic counterpart in the courageous man who is able to fight his passions (507b4–c7) and to refrain from injustice (522e1–3). Compare also the irony of the juxtaposition διὰ τὸ αἰσχύνεσθαι τολμᾷ in the quotation from the *Gorgias* above: according to Socrates, by being ashamed to make unpopular statements Gorgias and Polus stand out as being 'bold enough' to contradict themselves, since by doing so, they put at risk their well-being (sc. from a dialectical point of view). (Or, with the irony stripped away: their failure to choose for the solitary path toward the truth manifests their weakness. See also n. 67 below.)

[31] 'Plato's apparent fascination with [Callicles] might have been partly traceable to his undisguisedly elitist beliefs and the outspokenness with which he expresses them', Beversluis 2000, 340. For the rhetoric of ἀνδρεία, cf. Balot and Roisman in this volume.

which, although divergent in substance, have in common that they depend on the special quality of an individual, as opposed to the (in this sense undifferentiated) mob.

4. *Where Socrates and Callicles differ*

The circumstance that, like Socrates, Callicles is a citizen of Athens (in contrast to Socrates' sophistic opponents) seems to add to the significance of their confrontation. Obviously, in Athens there is room for neither ideal: neither for a law of nature annihilating the law of the polis, nor for the insistent criticism on rhetorical practice, considered as a promising basis for personal and political success.[32]

From this point of view, Socrates' initial address of Callicles may seem to be surprising. Callicles is welcomed by Socrates as compulsively lending his ear to 'his friend, the people of Athens', in the same way as Socrates himself cannot help following philosophy wherever it goes.[33] Although in the clinical situation of a dialectical conversation Callicles appears to be ready to advocate his superman morality in the most vivid terms, in daily life he refrains from speaking his mind, suppressing the 'absolute' values he is standing for into a latent existence. In everyday life, he is ready to leave behind the Socratic *parrhêsia* for which he is praised, and to say whatever will be welcomed by the people of Athens instead. By his standards, this is a sensible decision: all a declared he-man can do under these circumstances is to take care to survive as well as possible.[34] Therefore Callicles *is* showing goodwill

[32] In Plato's *Apology*, Socrates highlights his independent position by referring to his conflicts both with the democratic and with the oligarchic regime (32a4–e1). *Contra* Monoson, who holds that the use of the term *parrhêsia* in the *Gorgias* 'signals a subtle acknowledgement of certain morally compelling features of democratic life, even though this point does not fit neatly with the dialogue's overall systematic criticism of democracy. Plato's use of *parrhêsia* represents the practice of philosophy, exemplified by Socrates' life, as in some sense organic to Athenian aspirations' (2000, 162).

[33] *Grg.* 481c5–482c3. It should be noted that Socrates' address of Callicles is on the one hand justified (since this is Callicles' chosen strategy), but on the other also serves as a provocation of Callicles' true feelings towards the polis. As such it constitutes an effective transition from the discussion with convinced rhetoricians (who are in the position to take for granted the—at best 'intersubjective'—values of the city of Athens because of their political detachment as strangers) to the examination of a different, 'objective' type of value.

[34] A dialectical discussion with a practicing tyrant would be quite a different matter. Compare the picture of a tyranny sketched in *Resp.* 567b3–10, where it is said that the

towards Socrates when he warns him of the consequences of remaining attached to philosophy: in his view the all-important wisdom is that, if one wants to survive, experience with the values and conventions of the polis is a necessary condition.

Socrates is true to his values whatever the circumstances. To him, speaking his mind is a well-considered and permanent attitude: he does not tire of exposing deceit and injustice wherever he goes—in front of an individual or a group, without any respect for public opinion. The risk that he will be unable to survive in a polis that does not share his values, is all in the bargain. In actual practice, then, Socrates' attitude towards the polis seems to be as far removed from Callicles' chosen position (Callicles being forced by the circumstances to play the role of a rhetorician, in spite of his conviction that power should not be based on words) as from that of his first two interlocutors, the convinced rhetoricians Gorgias and Polus.

The memorable (although, in the case of Callicles, concealed) partnership against the values and conventions of the polis, however, cannot last even in the shelter of the dialectical discussion. Where the search is for one, consistent truth, there is no room for two conflicting values. Callicles' radical hedonism, the weak spot in his firm plea for nature, is bound to break down—as it does under one of Plato's psychological masterstrokes. When Socrates exemplifies the happy, hedonistic life advocated by Callicles by the consumption of food and drink whenever you want, Callicles confidently adds that the same holds for any other desire one may have. Having reminded Callicles of their avowed lack of shame (surely Callicles will be able to follow the argument to its end, hideous as it may be), Socrates cheerfully brings in some rather vulgar and squalid examples, to which the advocate of the strong man can hardly subscribe.[35] Callicles protests, asking whether Socrates is not ashamed to lead the subject to these mean examples, so blatantly in

tyrant will have to do away even with his most true supporters who are brave enough (ἀνδρικώτατοι ὄντες) to speak their mind (παρρησιάζεσθαι) in expressing their criticism of him. In X. *Mem.* 3.9.13 Socrates expresses the view that when a tyrant kills a loyal subject, this will mean a heavy loss and bring destruction soon.

[35] *Grg.* 494c4ff.. Callicles does not wish to reject his previous point of view only because he is aware that in that case he would be inconsistent if he were to deny that some pleasures are not good after all; Socrates observes that it would be no less destructive of their common search for the truth, if Callicles in order to avoid inconsistency would make affirmations contrary to what he really thinks.

conflict with the common view of manliness. Callicles' avowed lack of shame, then, crumbles under the weight of the banality of Socrates' examples.

The formal elenchus that follows is obviously disagreeable to Callicles—who is aware that his position cannot survive the argument he feels forced to pursue in accordance with the rules of dialectic—and tedious dramatically, too. The refutation of Callicles' standpoint is evidently only a question of time: he cannot but agree that an expert is required to distinguish good pleasures from bad ones.[36] Although Callicles is brought to realize that he cannot consistently maintain his choice for the pleasures of the body as against the health of the soul, he does not give up his belief in the priority of physical well-being.[37] Socrates feels forced to make a new appeal to his former *parrhêsia*, but Callicles once more recommends Socrates to stop trying to improve the citizens of Athens by his well-meant advice, thereby setting at risk his own life. Socrates responds by giving vent, again, to his solitary but firm conviction about the right way to live: through his care for the quality of their souls, he is actually the only one who really improves the condition of the lives of the citizens—with the paradoxical consequence that he may be the only one who does actually practice true πολιτικὴ τέχνη (*Grg.* 521a2–e2):[38]

> SOCRATES: Now, please describe for me precisely the type of care for the city to which you are calling me. Is it that of striving valiantly with the Athenians to make them as good as possible, like a doctor, or is it like one ready to serve them, and to associate with them for

[36] *Grg.* 500a6. From 500e3ff., a new start is made on this basis with the discussion as to which way of life is preferable.

[37] This is the point at issue also in 491d–e, where Socrates makes a step in the argument which comes as a surprise to anyone who does not share his frame of mind: speaking about being powerful, what about one's power over oneself? (I follow Dodds' text)—so that the discussion is brought back to the subject of σωφροσύνη again. (As appears from 491d7ff., the point is not that 'insofar as temperate men rule themselves, they should have more than themselves': *contra* Beversluis 2000, 347).

[38] Owing to the qualification 'true' this statement is, of course, significantly consistent with Socrates' earlier assertion οὐκ εἰμὶ τῶν πολιτικῶν 473e6, section 2 ad fin. Rocco 1996 fails to take into account that different political (and epistemological) models are involved; cf. Foucault's association of Socratic *parrhêsia* 'not with politics but what we have come to know as philosophy', Nehamas 1998, 164. Still, Foucault apparently did recognize the continuity between Socrates' conception of *parrhêsia* and the *parrhêsia* of authority in Plato's ideal state: 'The focus of parrhesia is no longer the citizens nor even the *politeia* but the soul (*psychê*), especially that of the prince which, because it is educable, is capable of moral transformation to the benefit of all', Flynn 1987, 217.

their gratification?[39] Tell me the truth, Callicles. For *just as you began by speaking frankly to me, it's only fair that you should continue speaking your mind.* Speak now well and nobly.

CALLICLES: In that case I say it's like one ready to serve.

SOCRATES: So, noblest of men, you're calling on me to be ready to flatter.

(…)

I really am a fool, Callicles, if I don't suppose that anything might happen to anybody in this city. But I know this well: that if I do come into court involved in one of those perils which you mention, the man who brings me in will be a wicked man—for no good man would bring in a man who is not a wrongdoer—and it wouldn't be at all strange if I were to be put to death. Would you like me to tell you my reason for expecting this?

CALLICLES: Yes, I would.

SOCRATES: I believe that I'm one of a few Athenians—so as not to say I'm the only one—to take up the true political craft and the only one among our contemporaries to practice politics. This is because the speeches I make on each occasion do not aim at gratification but at what's best instead of what's most pleasant. And because I'm not willing to do those clever things you recommend, I won't know what to say in court.

ΣΩ. Ἐπὶ ποτέραν οὖν με παρακαλεῖς τὴν θεραπείαν τῆς πόλεως, διόρισόν μοι· τὴν τοῦ διαμάχεσθαι Ἀθηναίοις ὅπως ὡς βέλτιστοι ἔσονται, ὡς ἰατρόν, ἢ ὡς διακονήσοντα καὶ πρὸς χάριν ὁμιλήσοντα; τἀληθῆ μοι εἰπέ, ὦ Καλλίκλεις· δίκαιος γὰρ εἶ, *ὥσπερ ἤρξω παρρησιάζεσθαι πρὸς ἐμέ, διατελεῖν ἃ νοεῖς λέγων*. καὶ νῦν εὖ καὶ γενναίως εἰπέ.

ΚΑΛ. Λέγω τοίνυν ὅτι ὡς διακονήσοντα.

ΣΩ. Κολακεύσοντα ἄρα με, ὦ γενναιότατε, παρακαλεῖς.

(…)

Ἀνόητος ἄρα εἰμί, ὦ Καλλίκλεις, ὡς ἀληθῶς, εἰ μὴ οἴομαι ἐν τῇδε τῇ πόλει ὁντινοῦν ἂν ὅτι τύχοι, τοῦτο παθεῖν. τόδε μέντοι εὖ οἶδ' ὅτι, ἐάνπερ εἰσίω εἰς δικαστήριον περὶ τούτων τινὸς κινδυνεύων, ὃ σὺ λέγεις, πονηρός τίς μ' ἔσται ὁ εἰσάγων—οὐδεὶς γὰρ ἂν χρηστὸς μὴ ἀδικοῦντ' ἄνθρωπον εἰσαγάγοι—καὶ οὐδέν γε ἄτοπον εἰ ἀποθάνοιμι. βούλει σοι εἴπω δι' ὅτι ταῦτα προσδοκῶ;

ΚΑΛ. Πάνυ γε.

ΣΩ. Οἶμαι μετ' ὀλίγων Ἀθηναίων, ἵνα μὴ εἴπω μόνος, ἐπιχειρεῖν τῇ ὡς ἀληθῶς πολιτικῇ τέχνῃ καὶ πράττειν τὰ πολιτικὰ μόνος τῶν νῦν· ἅτε οὖν οὐ πρὸς χάριν λέγων τοὺς λόγους οὓς λέγω ἑκάστοτε, ἀλλὰ πρὸς τὸ βέλτιστον, οὐ πρὸς τὸ ἥδιστον, καὶ οὐκ ἐθέλων ποιεῖν ἃ σὺ παραινεῖς, τὰ κομψὰ ταῦτα, οὐχ ἕξω ὅτι λέγω ἐν τῷ δικαστηρίῳ.

[39] See n. 5 above.

Socrates will not feel ashamed when he appears unable to serve his own cause by rhetorical means; a real sense of shame will be his part if he were too weak to serve his own well-being by refraining from injustice, both in words and in deeds.[40] After all, death in itself is not to be feared.[41]

A serious drawback, however, is obviously inherent in the dialectical method. The method as such does not, after all, provide certainty about the ultimate truth. Socrates is forced to appeal to the myth that tells how in Hades the dead are judged on the condition of their souls, which reveals the degree of justice or injustice exhibited by them in their lifetime. As a myth, the story cannot be put to the test; still, its description of the proceedings in the underworld does lend support to the outcome of the dialectical discussion. Until a stronger argument points to a different conclusion, one should hold that—in the end—to refrain from injustice is rewarding.[42]

Although in the finale of the dialogue Callicles remains silent, he is continually addressed by Socrates: there is no suggestion that Callicles, like his predecessors, failed as a conversation partner. As a matter of fact, Callicles' advice to Socrates does represent (Socratic) *parrhêsia*: he is unable to accept the outcome of the discussion, precisely because it is so obviously in conflict with his own, hedonistic, truth. Callicles' advice that Socrates should try to please, rather than improve the citizens, can also be conceived as an example of εὔνοια, ill-judged as it may be (according to Socrates). In Socrates' final appeal to Callicles,[43] he urges him to continue practicing ἀρετή together with him, until they

[40] 522c4–e6. The phrase βοηθεῖν ἑαυτῷ / τινί is thematic here: the reference of 'to support yourself', 'to serve your own cause', 'to contribute to your own well-being' (and, in accordance with basic Greek morality, doing the same to your friends) changes shade according to one's being an adherent of a hedonistic or of a philosophical conception of the 'good life'.

[41] αὐτὸ μὲν γὰρ τὸ ἀποθνῄσκειν οὐδεὶς φοβεῖται, ὅστις μὴ παντάπασιν ἀλόγιστός τε καὶ ἄνανδρός ἐστιν, τὸ δὲ ἀδικεῖν φοβεῖται, 522e1–3. '… always seeing a higher truth where the Athenians collectively were in darkness, Socrates knew that his actions in the end would be judged not according to these shadow-laws, but by the divinely sanctioned justice dispensed to the dead by Aeacus himself', Munn 2000, 300.

[42] Socrates emphasizes that he does believe that the story of the myth is true: to him, the μῦθος is actually a λόγος ('as good as an argument', as it were), 523a1–3. Even so, the conclusion corroborated by the myth is merely the only one that survived the competition of arguments: in this sense, it is a temporary conclusion, as close to the truth as they are able to get (527a5–c4). For the function of the *Gorgias* myth, see e.g. Schmidt 1986; van Raalte 1991.

[43] *Grg.* 527c5–e5.

will no longer contradict themselves on the most important questions as they do now, thus testifying to their lack of education (ἀπαιδευσία).[44] Only then, they will have acquired the moral quality necessary to go into politics—that is, if they feel inclined to do so. If Callicles, then, does not live up to Socrates' expectations of a conversation partner, ἐπιστήμη seems to be the criterion he is lacking: although Callicles is willing to play Socrates' game, he fails to see the consequences inherent in the dialectical method, and therefore remains blind to the insight that risking undeserved death for the good cause is actually the best way of living.[45] The good news, however, is that of the three criteria lack of knowledge (or, education) is the only one that may be mended.

If, at the end of the *Gorgias*, we feel (as Plato probably expects his audience to do) that Socrates' confidence in the rational proceedings of a dialectical discussion is unrealistic, this may testify to Plato's awareness that, even in the case of a congenial conversation partner like Callicles—a firm believer in a different, but equally absolute truth—rational proof of 'the real' truth is distressingly difficult, if not impossible. If Callicles' attitude in the *Gorgias* makes it hard for the audience to share Socrates' optimism about the prolongation of their partnership in dialectic, this might signify an awareness on the part of Plato that, in order to make a non-philosopher see the truth, some sort of authority is required.[46]

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[44] Dodds observes that 'Socrates politely includes himself in the condemnation' (1959, 386); perhaps more significantly, Socrates characteristically sticks to the principle that the search for the truth is a common enterprise.

[45] The fact that ἐπιστήμη is singled out as the particular criterion in which Callicles fails (an interpretation rejected by Beversluis 2000, 369), seems to corroborate Beversluis' supposition that Plato was aware that dialectic should be replaced by a different kind of education. The *Gorgias* actually signals the end of Plato's trust in the method of rational dialectics: 'In the opinion of middle-period Plato, [elenchus] required a different kind of practitioner—one who possessed moral knowledge—and a different kind of interlocutor—one who had undergone intensive and prolonged immersion in the rigors of mathematics, geometry, astronomy, and harmonics, and by equally intensive emotional habituation' (*ibid.*, 375–376).

[46] See section 6 below; 'deep within Callicles—and, by implication, everyone—there is an inner core of psychological resistance which rational argumentation cannot penetrate. This is not a recognition of the limitations of faulty argumentation, but a recognition of the limitations of argumentation itself'. Beversluis 2000, 371. It may be observed that the weight Beversluis attaches to this message of the *Gorgias* gains significance in proportion to one's willingness to appreciate also the more curious steps in the argument. If the Socratic method were not (represented as) to be taken very seriously, Plato's recognition of its limitations would be trivial. Compare nn. 11 and 15 above.

5. *Socratic* parrhêsia *in the* Apology

Although in Plato's *Apology of Socrates* the term *parrhêsia* does not occur, the *Apology* can be seen as one big exercise in Socratic *parrhêsia.* Now a 'claim of truth' is, of course, characteristic of the genre as such. In the *Apology* Socrates' claim is, that his defense is straightforward, and said without any restriction: it ultimately relies on an absolute, divine truth.

Right at the beginning,[47] Socrates marvels at the conviction with which his accusers have been warning the audience that they should not let themselves be deceived by his eloquence: he would nearly have believed them himself—but before long, Socrates says, their impudence will be refuted by the facts. His performance will make clear that he is not a clever speaker at all—unless the accusers mean by δεινὸς λέγειν: telling the truth. For this is what he will be doing: he will express himself in his usual, unpolished manner; he is too old now to adjust to the practice of the court. Surely the jury will take no offense at the artlessness of his language: after all, it is their task to judge right and wrong—just as it is the task of an orator to tell the truth.[48] The simplicity of this shocking statement sets the tone of Socrates' defense. Just as Socrates in the *Gorgias* presents himself as the only real politician, here he is introducing himself as a performer of the real art of rhetoric,[49] according to which the manner of speaking is unimportant, as long as one is speaking the truth.[50] Socrates has no choice: it is not his own λόγος he will be telling. Although some people may think he is jesting, he is simply speaking the whole truth.[51] If he has given offense to the Athenians with his irritating conduct, invariably testing people as to their wisdom, the god of Delphi is responsible, who said that no man is wiser than Socrates.[52]

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[47] *Apol.* 17b1–18a6.

[48] ῥήτορος … τἀληθῆ λέγειν, 18a5–6.

[49] Compare Coulter 1979, 68. Even if Socrates is 'using the traditional [rhetorical] form with the reverse of the function traditionally attributed to it', this should not be explained as 'part of his general delight in inverted parody': although the effect may be paradoxical, Socrates is serious enough: *contra* Feaver and Hare 1981, 205, 214.

[50] ἀκούσεσθε εἰκῇ λεγόμενα τοῖς ἐπιτυχοῦσιν ὀνόμασιν — πιστεύω γὰρ δίκαια εἶναι ἃ λέγω 17c2–3. According to X. *Apol.* 4 Socrates' δαιμόνιον actually holds him back from defending himself: his only defense can be that he has been living a better and more righteous life than anyone else. See also n. 69 below.

[51] καὶ ἴσως μὲν δόξω τισὶν ὑμῶν παίζειν· εὖ μέντοι ἴστε, πᾶσαν ὑμῖν τὴν ἀλήθειαν ἐρῶ *Apol.* 20d4–6; cf. *Grg.* 481b6ff.

[52] *Apol.* 20e5–21a7. For arguments pro & con the historicity of this incident, see Be-

The rhetorical topos that the whole truth will be told finds special application here: in this case, the truth is especially comprehensive in the sense that it includes the divine.[53] And in this particular case Socrates *is* ashamed to tell the truth (*Apol.* 21e2–22c1):

> I went on systematically, although I noticed, to my sorrow and alarm, that I was getting unpopular. Still the only option seemed to be, to let the matter of the god prevail over everything else: so I must go to all those who had any reputation for knowledge, in order to examine the meaning of the oracle. And by the dog, gentlemen of the jury—*for to you one must speak the truth*—I swear that I experienced something like this: in my investigation in the service of the god I found that those who had the highest reputation were nearly the most deficient, while those who were thought to be inferior were more knowledgeable. I must give you an account of my journeyings as if they were labors I had undertaken to prove the oracle irrefutable. After the politicians, I went to the poets (…). I took up those poems with which they seemed to have taken most trouble and asked them what they meant, in order that I might at the same time learn something from them. *Well, there we are: I am ashamed to tell you the truth, gentlemen, but still it must be told.* Practically without exception, the bystanders would have explained the poems better than their authors could. So I soon realized, again, that poets do not compose their poems with knowledge, either, (…).

> μετὰ ταῦτ' οὖν ἤδη ἐφεξῆς ᾖα, αἰσθανόμενος μὲν καὶ λυπούμενος καὶ δεδιὼς ὅτι ἀπηχθανόμην, ὅμως δὲ ἀναγκαῖον ἐδόκει εἶναι τὸ τοῦ θεοῦ περὶ πλείστου ποιεῖσθαι· ἰτέον οὖν, σκοποῦντι τὸν χρησμὸν τί λέγει, ἐπὶ ἅπαντας τούς τι δοκοῦντας εἰδέναι. καὶ νὴ τὸν κύνα, ὦ ἄνδρες Ἀθηναῖοι, *δεῖ γὰρ πρὸς ὑμᾶς τἀληθῆ λέγειν·* ἦ μὴν ἐγὼ ἔπαθόν τι τοιοῦτον· οἱ μὲν μάλιστα εὐδοκιμοῦντες ἔδοξάν μοι ὀλίγου δεῖν τοῦ πλείστου ἐνδεεῖς εἶναι ζητοῦντι κατὰ τὸν θεόν, ἄλλοι δὲ δοκοῦντες φαυλότεροι ἐπιεικέστεροι εἶναι ἄνδρες πρὸς τὸ φρονίμως ἔχειν. δεῖ δὴ ὑμῖν τὴν ἐμὴν πλάνην ἐπιδεῖξαι ὥσπερ πόνους τινὰς πονοῦντος ἵνα μοι καὶ ἀνέλεγκτος ἡ μαντεία γένοιτο. μετὰ γὰρ τοὺς πολιτικοὺς ᾖα ἐπὶ τοὺς ποιητὰς (…). ἀναλαμβάνων οὖν αὐτῶν τὰ ποιήματα ἅ μοι ἐδόκει μάλιστα πεπραγματεῦσθαι αὐτοῖς, διηρώτων ἂν αὐτοὺς τί λέγοιεν, ἵν' ἅμα τι καὶ μανθάνοιμι παρ' αὐτῶν. *αἰσχύνομαι οὖν ὑμῖν εἰπεῖν, ὦ ἄνδρες, τἀληθῆ· ὅμως δὲ ῥητέον.* ὡς ἔπος γὰρ εἰπεῖν ὀλίγου

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versluis 2000, 3–4; cf. 32–33 with n. 21. In Xenophon's *Apology* Socrates himself accumulates arguments to support the statement of the god that nobody is ἐλευθεριώτερος, δικαιότερος, σωφρονέστερος than he—on his own account, not by testing others (*Apol.* 14ff.). Also in general, Xenophon's sketch of Socrates' μεγαληγορία ('self-righteous tone') contrasts with the emphasis on the divine mission prevalent in Plato's *Apology*. See X. *Apol.* 1, 2; τὸ μεγαλύνειν ἑαυτόν 32.

[53] See also 33b9–d5 (πᾶσαν ὑμῖν τὴν ἀλήθειαν ἐγὼ εἶπον (…). ἐμοὶ δὲ τοῦτο, ὡς ἐγώ φημι, προστέτακται ὑπὸ τοῦ θεοῦ πράττειν καὶ ἐκ μαντείων καὶ ἐξ ἐνυπνίων καὶ πάντι τρόπῳ ᾧπέρ τίς ποτε καὶ ἄλλη θεία μοῖρα ἀνθρώπῳ καὶ ὁτιοῦν προσέταξε πράττειν).

> αὐτῶν ἅπαντες οἱ παρόντες ἂν βέλτιον ἔλεγον περὶ ὧν αὐτοὶ ἐπεποιήκεσαν. ἔγνων οὖν αὖ καὶ περὶ τῶν ποιητῶν ἐν ὀλίγῳ τοῦτο, ὅτι οὐ σοφίᾳ ποιοῖεν ἃ ποιοῖεν, (…).

If we are surprised at hearing Socrates say that he feels ashamed to tell the truth (considering that the Socratic concept of *parrhêsia* implies that he should speak the truth at all costs), in the first place it should be noted that he *is*, in actual fact, going to tell the truth. Socrates feels ashamed to tell the truth he has to tell: he is feeling shame at what he has to say.[54] What makes him feel ashamed—as a human being, as it were—is the fact that the reputations of those considered to be σοφοί proved to be false one after another: if he, Socrates, is the champion in σοφία, human knowledge is in a sorry state. Nevertheless, he must let prevail the divine mission he has to fulfill.[55]

As he did in his confrontation with Callicles,[56] Socrates here rejects the suggestion that it would be shameful to engage in a mission likely to lead to his death—the mission that in his case involves bringing out the truth. Just as in the army you are obliged to keep the position appointed to you and not to fear death, so it is your task to pursue the way of life as pointed out to you by the god, that is, a way of life devoted to philosophy.[57] Socrates illustrates his conviction that a virtuous act must be undertaken even if it will lead to one's own death with an appeal to traditional values: in the case of the exploits of Homeric warriors, too, the rule 'safety first' is obviously absurd. The reference to a nation at war also gives Socrates the opportunity to remind the men of Athens of his own courageous conduct in the army, on more than one occasion. Surely they will not expect him to lower his standards now? Socrates' argument gains persuasiveness by his putting side by side his own conviction of what is the right thing to do[58] and the order

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[54] Which may be indicated by the use of εἰπεῖν (connoting explicitness or specification), in contrast to τἀληθῆ λέγειν a few lines above; for the idea that εἰπεῖν and λέγειν involve a lexical distinction, see Sicking 1991, 33. (Compare 23d3–4 ἔχουσι … οὐδὲν εἰπεῖν ἀλλ' ἀγνοοῦσιν and 23d7–9 τὰ γὰρ ἀληθῆ οἴομαι οὐκ ἂν ἐθέλοιεν λέγειν, ὅτι κατάδηλοι γίγνονται προσποιούμενοι μὲν εἰδέναι, εἰδότες δὲ οὐδέν). This interpretation is made plausible by the positon of ὦ ἄνδρες in any case.

[55] The particle οὖν indicates that Socrates is coming to the point announced above: he must let prevail the divine statement over everything else. See Sicking and Van Ophuijsen 1993, 27; 89–93.

[56] *Grg.* 486a3ff., 511a4ff., 521b2ff.; see above.

[57] *Apol.* 28b3–29a2.

[58] This also seems to be the point of Socrates' example of Achilles among the Homeric heroes, who is an example of the personal ἀγαθόν—however without a claim

of the god—which, if one is pursuing the divine truth, actually amounts to the same thing.

Even if Socrates may be standing alone in recognizing that he has no certainty about the situation in the underworld (just as in the *Gorgias*, where the eschatological myth at the end of the dialogue is merely the strongest hypothesis found until now—although Socrates is convinced that the story is true): what he does know is that one should not do injustice to, nor disobey one's 'better', whether man or god.[59] Socrates will follow the god, rather than the citizens of Athens who want him to stop his irritating, dangerous conduct. As a matter of fact, the conduct for which the Athenians are going to convict him is actually the greatest good both for the individual[60] *and* for the city. This conduct

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to universality. Compare Barrett 2001, 21–22; *contra* Hobbs, who argues that here 'the appeal to Achilles strikes an uneasy note', since the bravery and manliness of Socrates and Achilles is hardly of the same sort (2000, 184). Achilles seems to be advanced rather as a famous example to show that making an uncompromising stand for the right cause is generally (because traditionally) recognized as a virtue. The admittedly significant difference that Socrates claims his cause to be universal, is secondary to the fundamental common characteristic of their personal determination being put into action at all costs. At the same time, the reference to the heroes of the Trojan War makes a natural transition to Socrates' own renowned courageous wartime actions for the good of the very community before which he is defending his case here and now. Rather than wondering that the 'passionate desire of Achilles for *timê* makes Socrates' comparison even more puzzling' (Hobbs 2000, 184–185), one should realize that Socrates too may be said to have a desire for τιμή, but once again in a Socratic sense of the word (τιμή really worthy of the name, i.e. in the eyes of god). In the end (as Hobbs rightly observes 2000, 185), it might appear that Socrates actually *surpasses* the Homeric heroes in the strife for the good cause: at the end of the *Apology* Socrates says he is looking forward to testing the heroes in Hades for their wisdom, just as in his mortal life he has been testing the citizens of Athens (*Apol.* 41b1–c4).

59 *Apol.* 29a7–c1, d2–e3; 30a5–b2.

60 At the end of the *Apology*, Socrates is asking those members of the jury who voted for his condemnation, to act in the same way in case his sons fail to care for ἀρετή above all, and show undeserved self-esteem: they will be paying him, as well as his sons, a service if they do not tire of finding fault with them and give them the punishment they deserve (41e1–42a1). Compare the scene in Plato's *Crito*, where Crito appeals to Socrates to let himself be rescued by his friends: this he owes also to his sons, whose education he should not abolish. Throughout his life Socrates claimed to care for virtue, and although he may be expected now again to act as an ἀνὴρ ἀγαθὸς καὶ ἀνδρεῖος, he seems to be choosing the easiest way, thereby giving rise to the impression that his friends are lacking in courage (ἀνανδρίᾳ τῇ ἡμετέρᾳ, *Crito* 45c6ff.). Of course, Crito's appeal comes to nothing: in 48c7ff. Socrates' counterargument is, that one should not repay wrong with wrong (ἀνταδικεῖν, 49b9). In the last sentence of Xenophon's *Apology*, Xenophon implies that he regards Socrates as the ἀξιομακαριστότατος of men, since he is ὠφελιμώτατος as company for those who aim at ἀρετή (X. *Apol.* 34).

(undertaken, and still pursued now, in service to the god)[61] amounts to 'caring for the best possible condition of the soul'. By holding back Socrates whenever he was inclined to go into politics, his *daimonion* has made it clear that Socrates' service to the city should be restricted to his care for the soul of the individual.[62] On the other hand, Socrates did his duty as a citizen, and he is able to bring forward some deeds (ἔργα) as proof of what he is saying: surely the jury will appreciate that![63] His civic exploits, again, consist in the solitary course he took as a member of the council more than once, following justice—not especially an attitude with which one is likely to survive in a public career for many years.[64] By trying to persuade people to be as good and prudent as possible, however, Socrates is actually doing the citizens the greatest possible favor: and that is why, instead of being punished by the city, he deserves a free meal daily in the Prytaneion.[65]

After Socrates is condemned to death, he has a special message for those who voted in favor of this sentence: he has failed to defend himself not because he could not find the words to convince them,[66] but because he could not find the boldness (τόλμη), the shamelessness (ἀναισχυντία) to do so,[67] and because he is not willing to utter the usual

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[61] ταῦτ' οὖν ἐγὼ μὲν ἔτι καὶ νῦν περιιὼν ζητῶ καὶ ἐρευνῶ κατὰ τὸν θεὸν …· καὶ ἐπειδάν μοι μὴ δοκῇ, τῷ θεῷ βοηθῶν ἐνδείκνυμαι ὅτι οὐκ ἔστι σοφός. (*Apol.* 23b4–7).

[62] 31c4–32a3; since people who follow the truth do not survive their opposing a large public for long, Socrates would have been dead before he could have been of any use to the city. Contrast X. *Mem.* 1.6.15, where Antiphon finds fault with Socrates' abstaining from politics himself (if his knowledge of the subject is good enough to instruct others to be a politician), and Socrates objects that his producing a plurality of politicians is more efficient than operating as a single politician himself.

[63] 32a4–33a1 (Socrates emphasizes that such stories are the common stuff trials are made of, but true [!]: φορτικὰ μὲν καὶ δικανικά ἀληθῆ δέ, 32a8–9). Cf. *Lach.* 188e5–189a1: Laches allows Socrates to speak his mind, because he is considered trustworthy on the basis of his deeds: he is entitled to speak. X. *Mem.* 4.4.10: deeds are better evidence (of τὸ δίκαιον) than words.

[64] E.g. Socrates' opposition to the mass trial of the generals after the battle of Arginusae; his refusal to cooperate with the Thirty when they gave orders to arrest Leon of Salamis. 'By these examples Socrates made it explicit that he placed his own inspiration higher than *any* form of public authority, democratic or oligarchic', Munn 2000, 287.

[65] 36b5–37a2.

[66] 38d3–6 ἀπορίᾳ λόγων … τοιούτων οἷς ἂν ὑμᾶς ἔπεισα, εἰ ᾤμην δεῖν ἅπαντα ποιεῖν καὶ λέγειν ὥστε ἀποφυγεῖν τὴν δίκην. Cf. 34b6–35d9: it is not just to beg the jury for acquittal: one should teach and persuade them (διδάσκειν καὶ πείθειν).

[67] ἀπορίᾳ μὲν ἑάλωκα, οὐ μέντοι λόγων, ἀλλὰ τόλμης καὶ ἀναισχυντίας καὶ τοῦ μὴ ἐθέλειν λέγειν πρὸς ὑμᾶς τοιαῦτα οἷ' ἂν ὑμῖν μὲν ἥδιστα ἦν ἀκούειν, 38d6–8. 'Boldness' and 'shamelessness' of course in the sense that such conduct would involve lack of

lamentations in order to evoke compassion:[68] as a seeker of the truth he would be ashamed by defending himself in the usual rhetorical fashion. He does not regret the unusual mode of his apology, notwithstanding the fact that it will lead to his death.[69] Socrates is rubbing his audience up the wrong way again, by pointing out that to escape death is simple enough. What is really difficult to escape is πονηρία, wickedness, which 'runs swifter than death'. Now Socrates in his old age is caught by the slowest (sc. death); the accusers, swift as they are, will be caught by the fastest, wickedness, being condemned to this fate by the truth—that is, of course, by their hostility to Socrates and the consequent injustice of Socrates' fate.[70] It is impossible to escape criticism by killing people: the only way to achieve this, is trying to be as good as possible oneself.[71]

The *Apology*, then, is permeated by what we have called Socratic *parrhêsia*: freedom of speech in service of the truth and the good. This requires the courage to dispense with the rhetorical means of persuasion and to consider public opinion irrelevant: Socratic *parrhêsia* is a solitary activity, for which the ultimate motivation must be found outside the realm of rational argumentation (as appeared to be the case

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respect for the truth, for justice; there are many ways to escape death, ἐάν τις τολμᾷ πᾶν ποιεῖν καὶ λέγειν, 39a6. In *Crito* 53e1–2 τολμᾶν is said with reference to the situation in which the wish to stay alive is so strong that one dares to transgress the most important laws. In this case, Socrates' terminology is in accordance with political (democratic) theory; the paradox arises from the fact that in practice, the jury wants him to disrespect the truth, and to behave as shamelessly as a normal citizen. Compare, again, the phrase διὰ τὸ αἰσχύνεσθαι τολμᾷ in the citation from the *Gorgias* 486e ff. (section 3 above): there also, to be bold (τολμᾷ) refers to the guts necessary to follow the (from a Socratic point of view) dangerous course to say what the public wants to hear; however, the sense of shame (τὸ αἰσχύνεσθαι) ascribed to Gorgias and Polus (which makes them disrespect the truth) amounts to the same thing as the shamelessness (ἀναισχυντία) the jury expects from Socrates. Depending on one's perspective, then, the same conduct can be described both as a sense of shame in front of the public (and, as the case may be, the jury) and as a shamelessness in front of the truth (for instance, on the subject of right and wrong).

68 τοῦ μὴ *ἐθέλειν* λέγειν πρὸς ὑμᾶς κτλ.: the verb expresses that no lack of παρρησία is involved; compare n. 27 above. Compare X. *Mem.* 4.4.4 ἐκεῖνος οὐδὲν ἠθέλησε τῶν εἰωθότων ἐν τῷ δικαστηρίῳ παρὰ τοὺς νόμους ποιῆσαι.

69 38e3–5 οὔτε νῦν μοι μεταμέλει οὕτως ἀπολογησαμένῳ, ἀλλὰ πολὺ μᾶλλον αἱροῦμαι ὧδε ἀπολογησάμενος τεθνάναι ἢ ἐκείνως ζῆν. Cf. X. *Mem.* 4.8.5–7: Socrates says he has been preparing for his defense all his life, by concentrating on what is right and what is wrong; the δαιμόνιον held him back when he was trying to prepare his defense for the jury: this means that the god thinks it better that he should die now.

70 38e5–39b6; cf. 23e5–24b2; also 31d4–32a3: μοι μὴ ἄχθεσθε λέγοντι τἀληθῆ, 31e1–2.

71 39d3–8. The best preparation for defense (καλλίστη μελέτη ἀπολογίας) is to be guiltless of injustice: X. *Apol.* 3 and *Mem.* 4.8.4.

in the *Gorgias*).[72] Here in the *Apology* the suggestion is that the truth and the substance of the good to be followed, are revealed to Socrates by Apollo and by his personal *daimonion*; accordingly, Socrates can be silenced only by the indications given by his divine sign, representing the criterion of the good. Although Socrates has no doubt that this in actual fact is the situation, it will be difficult to convince the jury of the reason why it is impossible for him to hold his tongue (*Apol.* 37e3–38a8):

> Perhaps someone might say: But Socrates, will you not be able to hold your tongue and live a quiet life when you are in exile? Now this is the most difficult point on which to convince some of you. If I say that this means disobeying the god and that therefore it is impossible for me to keep quiet, you will not believe me and will think I am being ironical. On the other hand, if I say that it is indeed the greatest good for a man to discuss virtue every day and those other things about which you hear me conversing and testing myself and others, and that the unexamined life is not worth living for men—but when I am saying this you will believe me even less. And this, as I say, is true, gentlemen, but it is not easy to convince you.
>
> ἴσως οὖν ἄν τις εἴποι, 'Σιγῶν δὲ καὶ ἡσυχίαν ἄγων, ὦ Σώκρατες, οὐχ οἷός τ' ἔσῃ ἡμῖν ἐξελθὼν ζῆν;' τουτὶ δή ἐστι πάντων χαλεπώτατον πεῖσαί τινας ὑμῶν. ἐάντε γὰρ λέγω ὅτι τῷ θεῷ ἀπειθεῖν τοῦτ' ἐστὶν καὶ διὰ τοῦτ' ἀδύνατον ἡσυχίαν ἄγειν, οὐ πείσεσθέ μοι ὡς εἰρωνευομένῳ· ἐάντ' αὖ λέγω ὅτι καὶ τυγχάνει μέγιστον ἀγαθὸν ὂν ἀνθρώπῳ τοῦτο, ἑκάστης ἡμέρας περὶ ἀρετῆς τοὺς λόγους ποιεῖσθαι καὶ τῶν ἄλλων περὶ ὧν ὑμεῖς ἐμοῦ ἀκούετε διαλεγομένου καὶ ἐμαυτὸν καὶ ἄλλους ἐξετάζοντος, ὁ δὲ ἀνεξέταστος βίος οὐ βιωτὸς ἀνθρώπῳ, ταῦτα δ' ἔτι ἧττον πείσεσθέ μοι λέγοντι. τὰ δὲ ἔχει μὲν οὕτως, ὡς ἐγώ φημι, ὦ ἄνδρες, πείθειν δὲ οὐ ῥᾴδιον.

Socrates is aware that it does not make any difference how he explains his choice for death, rather than being silenced and thus staying alive: whether he will say (1) that holding his tongue would amount to disobedience to the god, or (2) that constantly testing people is indeed the best way of living for any man: they will not be convinced easily. These two—complementary—arguments[73] will be similarly unconvincing to the public. On the one hand, the explanation that Socrates is merely

[72] See section 4 (at n. 42) above. Cf. Clay 2000, 173–175, esp. 174: 'These three transcendental meditations [sc. the myths in *Gorgias*, *Phaedo* and *Republic*] have this much in common: they move from a conversation here and now to a future one cannot know until death makes the claims of these myths of judgement true, false, or indifferent. Like the *Apology*, they close by opening a dim prospect of what lies beyond human experience'.

[73] See Slings 1994, 197. In fact, ὅτι *καὶ* τυγχάνει ('it is also …'; or perhaps 'it is indeed …') may be a case in point; τὰ δέ obviously refers to the substance of both arguments

being obedient to a divine authority, will be felt to be at variance with his usual independence;[74] on the other hand, that the daily practice of discussing moral quality and testing people is also objectively the best way of life, will be even more difficult to accept, considering that it is evidently not exactly a popular attitude. If it is hard to convince people of the fact that with his irritating non-conformist conduct he is following divine admonitions, it is even harder to make them see that the Socratic way of life is the only way of life worth living. To Socrates, both arguments are valid, and in fact amount to the same thing.[75] At this essential moment, then, Socrates is speaking freely since his *daimonion* does not hold him back from saying what he wants to say;[76] and he does not feel any fear of death because he is convinced that a virtuous way of life is actually rewarded by the sentence of the *true* judges in the underworld.[77]

At first sight it is not quite clear why Socrates, in spite of his non-conformist morality, is convinced that it is right to subject oneself to the law of Athens all the same—even if it is clear to him that this law enabled the Athenians to sentence him to death unjustly. The

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(the demonstrative use of the article seems to be elicited by the preceding ταῦτα, which refers to the second argument).

[74] The jury will distrust Socrates' claim that he is simply paying heed to the authority of the god—a disclaimer (ὡς εἰρωνευομένῳ) which sounds like a boast: compare Nehamas 1998, 49ff.

[75] We may speak of 'Socrates' religious confidence, his intellectual poise that rests upon supernatural reassurance', Kahn 1996, 97. *Contra* Howland 1998, 28 who holds that Socrates, in this passage, 'admits what many of the jurors must already have suspected, namely, that he has been ironic in appealing to "the god" in order to justify his way of life. Yet he defends this irony on the ground that the unvarnished truth must be even less persuasive. Socrates thus illuminates the otherwise perplexing combination of frankness and intentional irony in his defense speech'. In fact, what Howland calls the 'unvarnished truth' is, ultimately, also a matter of belief, of conviction, just as much as the appeal to the god. Therefore, I think, Socrates would not be better off in a 'philosophical trial' unconditionally, but only if his judges were believers in the same truth. Even a confrontation with the judges one by one individually could not really help, since ultimately the dialectical method cannot be brought to the end envisaged (knowledge of the ultimate truth) in a rational manner (*contra* Howland 1998, 29). On the other hand, the Socrates of Plato's *Apology* (and of the *Gorgias*) does seem to be confident that the ultimate truth—the truth to make true the whole set of coherent propositions—can be found by means of dialectic only.

[76] 40a4–c4.

[77] 40e7–41a5. As a matter of fact, Socrates does leave open the possibility that death would be like the pleasurable situation of a dreamless sleep, which would be welcome to him anyway, 40c10–d2.

clearest answer to this question is found in the *Crito*,[78] where Socrates is trying to explain his conduct to his friends. Here his submission to Athenian law, once he has been convicted, is presented as the ultimate consequence of the dialectical attitude. Socrates himself introduces the the laws of Athens as a conversation partner who might be convinced of the truth—thereby as it were avoiding the μακρολογία disapproved by him as being foreign to dialectic.[79] The laws argue that he did not leave Athens when he still had the opportunity to do so,[80] and that he did not convince the citizens of Athens that their laws were unsound either; therefore he now has to accept the consequences. When he is staying in Athens without complying with its laws, he will be breaking serious commitments and agreements to which he subjected himself willingly.[81]

A similar attitude is manifest at the end of the *Apology*, where Socrates says he is convinced that he never does wrong willingly to anyone, but that he is unable to convince the jury of this: their discussion (διαλέγεσθαι) was simply too short.[82] This is a wonderful example of Socratic irony,[83] in the sense that his confidence in the dialectical method is high-

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[78] 51c6–52d3.

[79] A similar idea of representing the trial as much as possible as a discussion may be seen in Socrates' complaint about the anonymous accusers: ἀνάγκη ἀτεχνῶς ὥσπερ σκιαμαχεῖν ἀπολογούμενόν τε καὶ ἐλέγχειν μηδενὸς ἀποκρινομένου (*Apol.* 18d5–7).

[80] Socrates now rejects the possibility to escape to Thessaly, where he will be welcome to stay with friends of Crito's: surely nobody will be prepared to take seriously his previous conduct, considering that the laws of the city gave him every opportunity to leave Athens if he did not agree with them? (προαγορεύομεν [we, sc. the laws] τῷ *ἐξουσίαν* πεποιηκέναι Ἀθηναίων τῷ βουλομένῳ (…) ᾧ ἂν μὴ ἀρέσκωμεν ἡμεῖς *ἐξεῖναι* λαβόντα τὰ αὑτοῦ *ἀπιέναι* ὅποι ἂν βούληται, 51d2–5). The idea is apparently that before his trial Socrates did have the opportunity to walk out on his conversation partner (compare section 2 ad note 19 above); since they are acting now, as it were, as a serious partner in the discussion, this is no longer possible to him. According to X. *Apol.* 23, however, Socrates actually asks his friends whether they know a place outside Attica where he could escape death.

[81] 51e2–52e5. There are two alternatives: either πείθειν ἡμᾶς (sc. the laws) or ποιεῖν ἃ ἂν κελεύωμεν. If you stay, you agree; Socrates did agree (… ὡμολογηκέναι 51e4, 52d5), not ⟨only⟩ λόγῳ but ἔργῳ: he even fathered children here—the best possible indication that Socrates did feel comfortable in Athens.

[82] 37a7–8 πέπεισμαι ἐγὼ ἑκὼν εἶναι μηδένα ἀδικεῖν ἀνθρώπων, ἀλλὰ ὑμᾶς τοῦτο οὐ πείθω· ὀλίγον γὰρ χρόνον ἀλλήλοις διειλέγμεθα.

[83] Cf. Stokes 1997, 174 *ad loc.* For the notion of Socratic (or, 'complex') irony, see Vlastos 1991, 31. Socrates says what he means in one sense (I am sure I will be able to convince anyone, present company included), but at the same time he is saying the exact opposite of what he means (I should have been able to convince you in the present circumstances, using μακρολογία in front of a jury).

lighted by pointing out that it cannot be put into practice in a defense speech in front of a jury.[84] Systematically speaking, then, taking into account the impossibility to set up a discussion with the laws, and the impracticability of convincing the judges one by one, we may feel that in Plato's *Apology of Socrates* we stand face to face with Plato's motivation to devise a society in which Socrates would not be convicted.[85]

6. Parrhêsia *in Plato's* Laws

It is not surprising, then, that Socratic *parrhêsia* (that is, the freedom to say everything you want as long as it is in accordance with the truth, and the frankness of the individual who makes an appeal to this freedom) plays a role also in the dialogues in which Plato is sketching a picture of his political ideals.

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[84] Compare Howland's idea of a 'philosophical trial', discussed n. 75 above. See also Colaiaco 2001, 224ff. For the Socratic ideal that following the truth and survival go together see Numenius, Frag. 23.12–14: although Plato does not prefer living to telling the truth, he is using dialectic so as to be able to ζῆν τε καὶ ἀληθεύειν ἀσφαλῶς (I owe this reference to Mariska Leunissen).

[85] The coherence of this picture of Socrates' performance is somewhat disturbed by the fact that Socrates adds that it is impossible for him to convince the jury *because in Athens this kind of trial lasts one day only*: if there had been more time—as is the case with trials for a capital offense elsewhere—he would have convinced the jury. His argument that it is not easy to defend oneself against this kind of lasting slander is familiar enough, but still his criticism of the legal practice in Athens seems to be surprising for two reasons. In the first place, (1) with his objections against a trial lasting a single day, Socrates apparently renounces his rejection of μακρολογία: in spite of his use of the verb διαλέγεσθαι (through which he presumably tries to represent his trial as much as possible as a dialectical discussion: see above), and in spite of the fact that he is actually winning over parts of the jury more successfully than he expected, his performance remains essentially a defense speech in front of a larger audience. In addition, (2) with his objections against the shortness of his trial, Socrates is actually criticizing the legal practice in Athens—which does not fit in very well with the solitary way of managing his defense as pursued until now, and does not agree with Socrates' imaginary discussion with the laws in the *Crito* (if Socrates did not agree with the legal proceedings in Athens, he could, and should, have questioned the procedure when he had the opportunity to do so). If, then, this remark on Athenian legal procedure (as compared to the situation in Sparta? see Burnet 1924, 157) really is somewhat outside Socrates' line of reasoning, it may be relevant to observe (with Slings 1994, 370–371) that Plato in his sketch of the procedure for lawsuits for a capital offense in the *Laws* envisages a trial lasting three days (or, thrice in the course of two days?)—during which the judges are supposed to operate as individuals as much as possible (*Lg.* 855c6–856a8, with guarantees for maximum thoroughness and fairness on the part of the judges; cf. on judicial courts in general, 766d3–767a4).

The contrast between Socratic *parrhêsia* and the *parrhêsia* of democracy is illustrated by Plato's somewhat unfavorable sketch of the latter kind of *parrhêsia* in the *Republic*: the democrat is entirely free, and in a democracy everything is arbitrary and indiscriminate, so that people show a great variety; there is no division of roles whatsoever, and you can pick and choose from a whole bazaar of πολιτείαι.[86] The message is obviously that this state of anarchy is (to say the least) less than perfect:[87] in order to improve the condition of the community, we should be able to make a selection either with regard to *the people who are allowed* to display *parrhêsia* or as regards *the circumstances in which people are allowed* to display it.

Plato's *Laws*, on the other hand, offers an attractive mode of *parrhêsia* of the *Socratic* type. In the second book of the *Laws*, the *parrhêsia* that manifests itself in drunkenness,[88] and is accompanied by loss of shame, is advocated as a test for the moral quality of individuals: take a citizen to the Dionysia, and you will know whether he will be a danger for the state. As a test for the soul, wine (ἡ ἐν οἴνῳ βάσανος) is absolutely unrivaled for cheapness, safety, and speed.[89] To the connoisseur, the parallelism with dialectics is striking: in the same way as dialectics is a test for the truth of a statement (section 2 above), Callicles being a perfect touchstone (οὐκέτι αὐτὸ δεήσει ἐπ' ἄλλην βάσανον ἀναφέρειν, p. 286ff. above), the consumption of wine is a test for the quality of the soul itself.

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[86] Plato *R.* 557a2–558a2 (οὐκοῦν πρῶτον μὲν δὴ ἐλεύθεροι, καὶ ἐλευθερίας ἡ πόλις μεστὴ καὶ παρρησίας γίγνεται, καὶ ἐξουσία ἐν αὐτῇ ποιεῖν ὅτι τις βούλεται; 557b4–6). Obviously, this is not Socrates' idea of 'what you want' (cf. section 1 with n. 4 above), and it does not fit in with Callicles' ideal either, since this freedom is granted to inferior people as well as to those who by nature deserve it.

[87] Democracy 'entails a rejection of the very principle that dominated the *Republic* since Book 2, when the first steps were taken toward founding the just city: Each individual is suited for one task (…). Such a principle is meaningless in a multifarious democratic regime, where all do many things, where no one retains a single form that lasts over time', Saxonhouse 1998, 279.

[88] More everyday instances of this phenomenon in *Phdr.* 240d4–e7: a lover who is drunk, and is speaking with undisguised coarseness, is not to be endured; *Smp.* 222c1–d6: Alcibiades seemingly betrays his being sensitive to Socrates' charm, but Socrates objects: Alcibiades' frankness is a deliberate strategy: he is not drunk at all, but only trying to win Agathon's favors.

[89] *Lg.* 649a1–650a2 (καὶ τελευτῶν δὴ *πάσης* ὁ τοιοῦτος *παρρησίας* ὡς σοφὸς ὢν μεστοῦται καὶ ἐλευθερίας, πάσης δὲ ἀφοβίας, ὥστε εἰπεῖν τε ἀόκνως ὁτιοῦν, ὡσαύτως δὲ καὶ πρᾶξαι; 649b3–5). The more troublesome and potentially dangerous alternative is that people are put in those circumstances in which they are most likely to display their vices.

The frankness caused by drinking alcohol is recognized as a positive effect also where the members of the 'Choir of Dionysus' are concerned, the organ of state that controls the cultural education of the citizens: their souls, hardened by old age, will be softened by alcohol. There is a risk, however, that things will be getting on so well that every member of the choir 'listens to his own *parrhêsia* only', and that in his (obviously non-Socratic) boldness each of them has great plans for organizing the life of the others as well.[90] Still, the fact that their souls are now quite pliable is an advantage here, since 'the good lawgiver' responsible for the νόμοι συμποτικοί will be able to call them to order: that is, to establish in them the divine fear called αἰδώς and αἰσχύνη, respect and shame[91]—so that in the future they *will* be directed by the criterion of the good. The good lawgiver with his drinking laws will teach these supervisors of education the time when it is proper for them to speak and when they should keep silent, replacing their undue boldness with the frankness checked by an abhorrence to cross the limits set by the divine.

The political authority with divine pretensions becomes even less pleasant in book 8 of the *Laws*, where the guardians grant the privilege of *parrhêsia* in the encomiastic genre only to some poets with special qualifications; these concern not only their artistic quality: their social conduct should bear the hallmark of the Guardians' approval. Singing unauthorized songs is forbidden (*Lg.* 829c6–e5):[92]

> But not everyone should produce such compositions. For a start, a composer must be at least fifty years old, and he must not be one of those people who for all their poetical and musical competence have not a single noble or outstanding achievement to their credit. The compositions that ought to be sung (even if in terms of art they leave something to be desired) are those of citizens who have achieved a high standard of conduct and whose personal merits have brought them distinction in the state. The official in charge of education, together with the other

[90] *Lg.* 671b3–6: πᾶς δέ γε αὐτὸς αὑτοῦ κουφότερος αἴρεται καὶ γέγηθέν τε καὶ *παρρησίας* ἐμπίμπλαται καὶ ἀνηκουστίας ἐν τῷ τοιούτῳ τῶν πέλας, ἄρχων δ' ἱκανὸς ἀξιοῖ ἑαυτοῦ τε καὶ τῶν ἄλλων γεγονέναι.

[91] *Lg.* 671c2ff.

[92] Compare Stone 1988, 228: 'though Plato, writing the *Laws* in his old age, finally acknowledged some merit in free speech [the author is referring to the positive sketch of the 'liberal' political climate in Persia, 694a–b], he was unwilling to develop this passing reference and give it institutional embodiment. The ideal sketched in the *Laws* is a dour polity of strict thought control, enforced by an inquisitorial Nocturnal Council empowered to send nonconformists to ideological "rehabilitation" centers and impose the death penalty on the recalcitrant'.

Guardians of the Laws, are to select them and grant them alone the privilege of giving their Muses free rein; other people are to be entirely forbidden. No one should dare to sing any unauthorized song, not even if it is sweeter than the hymns of Orpheus or of Thamyras. Our citizens must confine themselves to such pieces as have been given the stamp of approval and consecrated to the gods, and to compositions which on the strength of their authors' reputation are judged to be suitable vehicles for commendation or censure. I say that the same regulations should apply to men and women alike, as regards both military excursions and *freedom of speech in literary composition.*

ποιητὴς δὲ ἔστω τῶν τοιούτων μὴ ἅπας, ἀλλὰ γεγονὼς πρῶτον μὲν μὴ ἔλαττον πεντήκοντα ἐτῶν, μηδ' αὐτῶν ὁπόσοι ποίησιν μὲν καὶ μοῦσαν ἱκανῶς κεκτημένοι ἐν αὑτοῖς εἰσιν, καλὸν δὲ ἔργον καὶ ἐπιφανὲς μηδὲν δράσαντες πώποτε· ὅσοι δὲ ἀγαθοί τε αὐτοὶ καὶ τίμιοι ἐν τῇ πόλει, ἔργων ὄντες δημιουργοὶ καλῶν, τὰ τῶν τοιούτων ᾀδέσθω ποιήματα, ἐὰν καὶ μὴ μουσικὰ πεφύκῃ. κρίσις δὲ αὐτῶν ἔστω παρά τε τῷ παιδευτῇ καὶ τοῖς ἄλλοις νομοφύλαξι, τοῦτο ἀποδιδόντων αὐτοῖς γέρας, *παρρησίαν* ἐν μούσαις εἶναι μόνοις, τοῖς δὲ ἄλλοις μηδεμίαν ἐξουσίαν γίγνεσθαι, μηδέ τινα τολμᾶν ᾄδειν ἀδόκιμον μοῦσαν μὴ κρινάντων τῶν νομοφυλάκων, μηδ' ἂν ἡδίων ᾖ τῶν Θαμύρου τε καὶ Ὀρφείων ὕμνων, ἀλλ' ὅσα τε ἱερὰ κριθέντα ποιήματα ἐδόθη τοῖς θεοῖς, καὶ ὅσα ἀγαθῶν ὄντων ἀνδρῶν ψέγοντα ἢ ἐπαινοῦντά τινας ἐκρίθη μετρίως δρᾶν τὸ τοιοῦτον. τὰ αὐτὰ δὲ λέγω στρατείας τε πέρι καὶ τῆς ἐν ποιήσεσι *παρρησίας* γυναιξί τε καὶ ἀνδράσιν ὁμοίως γίγνεσθαι δεῖν.

This 'freedom of speech' curbed by censorship is even surpassed by Plato's solution for a very precarious matter—it is the task of a god really, he adds, but unfortunately we are actually unable to receive god's instructions: the question of regulating sexual drifts. For this difficult task we seem to need a man with guts (τολμηρός), who values frankness above all, who does not refrain from saying what according to him is good and what is bad for the city and its citizens, and who dares to speak out against the most violent passions: this man will be operating entirely on his own, without any human help either, with only the λόγος for his guide.[93] In retrospect it may seem as if Plato, in this special case

[93] *Lg.* 835c1–8: θεοῦ μὲν μάλιστα ἔργον, εἴ πως οἷόν τε ἦν ἐπιτάξεις αὐτὰς παρ' ἐκείνου γίγνεσθαι, νῦν δὲ ἀνθρώπου *τολμηροῦ* κινδυνεύει δεῖσθαί τινος, *ὃς παρρησίαν διαφερόντως τιμῶν* ἐρεῖ τὰ δοκοῦντα ἄριστ' εἶναι πόλει καὶ πολίταις, ἐν ψυχαῖς διεφθαρμέναις τὸ πρέπον καὶ ἑπόμενον πάσῃ τῇ πολιτείᾳ τάττων, ἐναντία λέγων ταῖς μεγίσταισιν ἐπιθυμίαις καὶ οὐκ ἔχων βοηθὸν ἄνθρωπον οὐδένα, λόγῳ ἑπόμενος μόνῳ μόνος. In *Smp.* 181d7–182a, the necessity of external regulations for sexual practices is limited to those who are insensitive to these moral restrictions: οἱ μὲν οὖν ἀγαθοὶ τὸν νόμον τοῦτον αὐτοὶ αὑτοῖς ἑκόντες τίθενται, χρῆν δὲ καὶ τούτους τοὺς πανδήμους ἐραστὰς προσαναγκάζειν τὸ τοιοῦτον (so that for them, there should be a law forbidding affairs with young boys).

anyway, has to admit that the Socratic idea of a divine voice by which one may be guided amounts to an illusion.

7. *Conclusion*

I submit that analysis of the concept of *parrhêsia* into a Socratic and a non-Socratic variety makes it possible to specify the obvious, but at first sight somewhat elusive significance of the discussion in the *Gorgias*. While Socrates' discussion with Gorgias and Polus aims to show that democratic *parrhêsia*, the signboard of the polis of Athens, is pursuing an inferior goal (to please the audience, rather than improve its condition), his conversation with Callicles exemplifies two different kinds of what we have called 'Socratic' *parrhêsia*, the freedom to speak the truth, however unwelcome it may be to the audience.

In the first part of the dialogue Socrates shows, that in actual practice the democratic ideal of *parrhêsia* is curbed by the speaker's expectations about his success in front of the public: at the marketplace, in the Assembly, or in court. This phenomenon is designated by Socrates as a kind of shame (αἰσχύνη), which prevents one from speaking one's mind. With a typical Socratic twist of mind, it is also characterized as a courageous or daring attitude (ἀνδρεία, τόλμα): making assertions contrary to your opinion amounts to being of two minds, which involves the most serious danger, since this condition is destructive to the health of your soul.

Although in everyday life Callicles conforms to the practice of the polis, in the more secluded dialectical setting created by Socrates he is willing to do defend the 'law of nature' exposing the law of the polis as a means of survival for the weak and inferior part of mankind. Like Socrates, who is guided by the truth of philosophy, he is prepared to defend with complete frankness a supposedly objective value as opposed to pragmatic consensus.[94] Both are, again with a fine example of Socratic manipulation of moral terminology, courageous enough not to be ashamed to defend an unpopular point of view (both show ἀνδρεία, both are free from αἰσχύνη). Unfortunately (as it were), Callicles' stand for a hedonistic way of life, which he considers to be the

94 For a more intersubjective criterion for the distribution of *parrhêsia*, not (necessarily) involving an objective standard of justice, see Isoc. *Nicocl.* 28.3–4: δίδου παρρησίαν τοῖς εὖ φρονοῦσιν.

rightful condition of the man who is strong by nature, as such relies on the traditional notion of courage or 'manliness'; with his contempt for the common people he cannot, after all, avoid being ashamed by the vulgarity of the examples adduced by Socrates as the ultimate consequence of his hedonistic view. The only solution for Callicles is, to join Socrates—with rather less enthusiasm—in his shameless and courageous search for the superior and (arguably) objective goal of the truth.

Finally I have argued that a continuity can be recognized between the ideal of Socratic *parrhêsia*, which recommends freedom of speech, courage, and shamelessness *as long as it serves the search for the truth*, and the authority ascribed to the solitary representative of god on earth in Plato's *Laws*.[95] As the *Gorgias* shows, the requirement that the partners in a dialectical discussion should show knowledge, goodwill, and frankness is not quite as simple as Socrates' optimism suggests, since the value implied by each of these requirements (the truth to be known, the quality of one's intentions, the truth to be told) remains a matter of belief—so that at the end of the dialogue Socrates is forced to have recourse to the (provisional) authority of the eschatological myth. Similarly, in the different genre of the *Apology* Socrates traces his claim that he is speaking the truth and following the good to the authority of his *daimonion*—which did not really convince the jury. The sympathetic portrayal of Socrates as someone who does not fear death as long as he is right, and who does not let himself be silenced by any opponent, suggests that Socrates' fate contributed to Plato's motivation to frame a constitution in which someone like Socrates would not be convicted. To become a winning team, the truth and the good need the reinforcement of power.[96] When in Plato's *Laws*, then, the freedom to speak on matters of the highest moral importance is granted to a human agent who

[95] On the 'Socratic question' see e.g. Thesleff 2000, 59: 'We may pretty safely accept that Plato felt himself to be a new Socrates, continuing the search that his Master had begun'.

[96] For a more positive view of this continuity, see Irwin 1986, 74: 'If Socrates has to agree that his assumptions are no more justified than Callicles', then it is not clear why his actions are any more justified than Callicles' actions, or that he has any reason to resist the replacement of his assumptions by Callicles' assumptions. Plato looks for a justification that relies not simply on the agreement of individuals, but on general features of any rational agent who raises these questions about his life. We have found no reason to accuse Plato of coercion in his arguments; their rational compulsion results not from his intervention, but from the nature of the agents themselves'.

derives his authority from god,[97] he may seem to be a grim, but also a natural successor of the dialectician marked out by Socratic *parrhêsia*—considering that the truth and the good envisaged remains a matter of faith in any case.[98]

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[97] Questions regarding sex drive apparently excluded as far as divine guidance is concerned: see *Lg.* 835c1–8, p. 308 with n.93 above.

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CHAPTER FOURTEEN

ΠΑΡΡΗΣΙΑ IN ARISTOTLE

J.J. Mulhern

1. *Introduction*

In this paper I offer a fresh account of Aristotle's understanding of παρρησία. Aristotle lived at Athens for about thirty-two years, or over half of his life, and these years fell within the long democracy at Athens, which was brought to an end by Antipater. He also spent about eleven years at the royal courts of Hermeias and Philip. Thus he was well positioned to observe fourth-century examples of παρρησία in both democratic and nondemocratic environments to the extent that he found such examples there. While παρρησία is not one of Aristotle's focal points, he adverts to it explicitly in the *Nicomachean Ethics*, the *Politics*, and the *Rhetoric*; and it appears as well in the Peripatetic *Rhetorica ad Alexandrum* and *Athenian Constitution*.

It has been suggested by Foucault, whose lectures have done much to call attention to παρρησία in the Platonic dialogues and in Greek thought overall, that, in these texts of Aristotle's, there is a 'transformation' in the way παρρησία is addressed. In contrast with what went before, there is

> no political analysis of the concept of *parrhêsia* as connected with any political institution. For when the word occurs, it is always either in relation to monarchy, or as a personal feature of the ethical, moral character.[1]

And he goes on to say that, for Aristotle, παρρησία

> is either a moral-ethical quality, or pertains to free speech as addressed to a monarch. Increasingly, these personal and moral features of *parrhesia* become more pronounced [in later Greek thought].[2]

Foucault thus, in the course of developing a more inclusive hypothesis about the history of παρρησία, suggests that, for Aristotle, παρρησία somehow was a matter of ethics but not of politics.

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[1] See Foucault 2001, 86.

[2] Foucault 2001, 87.

Foucault's suggestion apparently presupposes the view that ethics and politics are separate and self-sufficient disciplines, which is a common modern view; and Aristotle may have provided some grounds for it, since his categorial analysis addresses one set of objects—τὰ ἠθικά—in one way and another set of objects—τὰ πολιτικά—in another. But the categorial analysis gives us only the beginning of what Aristotle has to say about παρρησία. To find the rest, one must ask what Aristotle saw as the purpose of reasoning about παρρησία and other phenomena which moderns might consider ethical or political but not both. This purpose, I shall suggest, brings τὰ ἠθικά and τὰ πολιτικά into one continuous analysis for him—a connection which appears to be being rediscovered by political writers such as Wilson. Thus my approach differs from that of Foucault and others who share the dualistic view; and, in so doing, it points toward what I believe to be a more faithful appreciation of Aristotle's understanding of παρρησία and other phenomena of ancient politics.

In what follows, I shall use the categorial analysis in Aristotle's texts as a first step in clarifying his use of παρρησία, which I translate by the mainly descriptive expression 'candor' rather than by an expression that has a stronger emotive meaning in English, such as 'free speech' or 'freedom of speech'. My translation is appropriate because, for Aristotle, παρρησία by itself is not an evaluative expression; acts of παρρησία are to be evaluated in connection with the circumstances in which they occur. Then I shall show how Aristotle integrates τὰ ἠθικά and τὰ πολιτικά into one continuous inquiry from the standpoint of the πολιτικός or political actor when he addresses παρρησία. This reading of Aristotle may suggest an interpretation of παρρησία in other Greek authors, especially Plato, which preserves the continuity of τὰ ἠθικά and τὰ πολιτικά in their writings as well.

2. *The texts*

Aristotle often begins with actual usage—what is said about a thing or how it is spoken of (λέγεται or κατηγορεῖται), because usage reflects what people believe or what seems so to them. This is his method in the *Nicomachean Ethics*, as Burnet has pointed out, and it is his method also in the other books in which he speaks of παρρησία. But Aristotle is aware that usage may be more or less uniform. And so in speaking of the ἔνδοξα or views initially accepted, he distinguishes among τὰ

δοκοῦντα πᾶσιν ἢ τοῖς πλείστοις ἢ τοῖς σοφοῖς—'what seems to be so to everyone or the many or the wise', as he says in *Topics* 100b21–22. Further, he is aware that sometimes the ἔνδοξοι προτάσεις may contain a half-truth or confusion which will affect the way everyone or the many or even the wise may speak about a thing and will put the discussion on the wrong foot. In the *Politics*, for example, in discussing the kinds of πολιτεῖαι, Aristotle begins with actual usage but ends by pointing out that there are other πολιτεῖαι besides those that are spoken of (παρὰ τὰς λεγομένας ἕτεραι, 1297b30). Here usage may need amplification or correction. As part of his discussion of his method in the *Topics*, Aristotle devotes chapter nine of the first book (103b20–104a2) to the categories, thereby suggesting that categorial analysis will have a place in his method. Because the dialectical treatment of the ἔνδοξοι προτάσεις can be separated conceptually from the categorial analysis, however, it has been possible even for such acute readers as Burnet to play down the place of the categories.[3] As I shall show in much more detail than Burnet attempted, categorial analysis plays a decisive part in the five Aristotelian or Peripatetic works in which παρρησία figures, including the two texts from the *Nicomachean Ethics*. It will appear that recognizing this categorial analysis for what it is is essential to understanding Aristotle on παρρησία.

2.1. Ethica Nicomachea *1124b29–31*

> For he is candid because of disregard, and he is truthful except so far as he is not [truthful or candid] because of dissembling [yes, dissembling] in relation to the many.[4]
>
> (παρρησιαστὴς γὰρ διὰ τὸ καταφρονητικὸς εἶναι, καὶ ἀληθευτικός, πλὴν ὅσα μὴ δι' εἰρωνείαν [εἰρωνεία δὲ] πρὸς τοὺς πολλούς), … (Bywater)

In the first passage from the *Ethics*, the context is Aristotle's discussion of the μεγαλόψυχος or great-souled man, who is defined as the man who both considers himself worthy and actually is worthy of the greatest things—that is, the greatest external things, especially honor. Bywater gives what he calls the general sense of the passage thus:

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[3] See Burnet 1900, xl–xliii. Except as noted, the text of Aristotle is that of Bekker. Translators' names are given where their translations have been followed exactly and with 'adapted' where I have altered them. Unattributed translations are my own.

[4] On text and interpretation, see Appendix.

> 'From what has been said of the μεγαλόψυχος it follows (1) that he is open in his love and hate, and (2) that he is open in speech and act.' The reason given in support of the first proposition is that 'it implies fear to conceal one's feelings [cf. τὸ γὰρ λανθάνειν φοβουμένου, 1124b27], i.e. to care less for truth than for appearance.'[5]

But what is μεγαλοψυχία, and how does Aristotle's treatment of it help us to penetrate to his understanding of παρρησία?

Μεγαλοψυχία is not one of the cardinal virtues, and it does not seem to be any other single virtue in this discussion. It corresponds rather to a way in which habits, in this case the virtues, are integrated.[6] This point is made three times:

> 1. 1123b30:
>
> Greatness in each virtue would seem to belong to the μεγαλόψυχος.
>
> δόξειε δ' ἂν εἶναι μεγαλοψύχου τὸ ἐν ἑκάστῃ ἀρετῇ μέγα.
>
> 2. 1124a1–3:
>
> Μεγαλοψυχία seems to be a certain arrangement of the virtues, since it makes them greater, and it does not come to be without them.[7]
>
> ἔοικε μὲν οὖν ἡ μεγαλοψυχία οἷον κόσμος τις εἶναι τῶν ἀρετῶν· μείζους γὰρ αὐτὰς ποιεῖ, καὶ οὐ γίνεται ἄνευ ἐκείνων.
>
> 3. 1124a28–29:
>
> These things [great worth and μεγαλοψυχία] do not occur without all-complete virtue.
>
> ἄνευ γὰρ ἀρετῆς παντελοῦς οὐκ ἔστι ταῦτα.

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[5] Bywater 1892, 39–40.

[6] Schütrumpf 1970, 40, agrees that μεγαλοψυχία is not a virtue, but he goes no further than to point out that it is a *Steigerung* or intensification of φιλοτιμία, citing 1107b21ff.

[7] 'Arrangement', though not the usual English for κόσμος here, is consistent with the Latin translation by William of Moerbeke and is found in the commentary of St. Thomas, who gives *ornatus*; see Aquinas 1964, 206; see viii for Moerbeke's contribution. Gauthier and Jolif 1958–1959, I, 103 use *parure* ('set' or 'ensemble') in their translation of the medieval Latin. The author of the *De Mundo* at least pretends to preserve an Aristotelian tradition when, in describing the world, he writes that κόσμος means ἡ τῶν ὅλων τάξις τε καὶ διακόσμησις–both the ordering of everything and its orderly arrangement (391b10–11). Grant's translation 'crown', perhaps with an eye on τῆς ἀρετῆς γὰρ ἆθλον ἡ τιμή in 1123b35, is adopted by Ross. I am indebted to Mary Mulhern for guidance on these points.

If we follow Susemihl, these statements of Aristotle's identify μεγαλοψυχία as an example of ἦθος. In his excursus on Aristotle's treatment of character, Susemihl wrote of ἦθος as 'a permanent moral state, which is the fixed and standing temperament of each man, *composed of the various moral virtues and vices specially belonging to that particular individual*' (italics mine.) Virtues and other habits presumably are arranged in different ways in different people, and the result in each case is an ἦθος. Susemihl had led up to this position by describing ἦθος as the orectic part of the soul, but only under these conditions:

> (1) In so far as it already possesses those excellences or their opposites in the form of natural aptitudes, or favorable dispositions towards this or that virtue, or emotion, or their opposites … and (2) in so far as it already is gradually acquiring this or that moral virtue or its opposite, as they are concerned not simply with actions, πράξεις, but with emotional excitements or feelings (πάθη, *N.E.* ii. 6.10, 1106b16ff.).[8]

If ἦθος is understood this way, and if μεγαλοψυχία is an ἦθος, Aristotle is attributing παρρησία to an individual because of his ἦθος, which is a permanent condition; the source of παρρησία is not a single virtue alongside courage and temperance, say, but the entire character of an individual whose virtues are integrated in a certain way.[9] The source of παρρησία thus may be understood as an ἕξις, which belongs to the category quality (ποιότης), or as an integration of ἕξεις.

Aristotle here makes use of another category as well—relation or πρός τι—where he notes that the μεγαλόψυχος is not ἀληθευτικός ('truthful') δι' εἰρωνείαν πρὸς τοὺς πολλούς ('because of dissembling in relation to the many'). So, for Aristotle, while παρρησία will be a way of speaking that one finds in people whose character is developed in a certain way, especially the μεγαλόψυχος, how one is to speak will depend upon circumstances. Of course there will be some who may have a disposition toward παρρησία which shows in their behavior all the time, as they simply blurt things out. But the μεγαλόψυχος will exercise some discretion in exhibiting it, based on his relation to his prospective hearers. This discretion is part of the way his virtuous habits are integrated. Thus the categorial analysis, especially the analysis by πρός τι, allows Aristotle to present the μεγαλόψυχος as both παρρησιαστής and εἴρων

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[8] Susemihl and Hicks 1894, 623–624.

[9] When they address ἦθος, Gauthier and Jolif 1958–1959, II, 98 write of it as the 'siège des vertus *morales*'. One might use 'siège' to recall the fact that ἦθος has the sense of 'accustomed place' or 'lair'; but they do not make this point, perhaps taking it for granted.

without contradicting himself. And in doing so, it gives us a clearer picture of ἦθος, which will be useful when we address ἦθος and the things connected with it—τὰ ἠθικά—together.

2.2. Ethica Nicomachea *1165a29–30*

The importance of the πρός τι for Aristotle's understanding of παρρησία comes out also in the second text (*EN* 1165a29–30):

> In relation to companions and brothers, moreover, one must assign candor and community of all things.
>
> πρὸς ἑταίρους δ' αὖ καὶ ἀδελφοὺς παρρησίαν καὶ ἁπάντων κοινότητα [*scil.* ἀπονεμητέον, 1165a18].

Aristotle makes this remark in the course of addressing φιλία in book 9 of the *Ethics*. In the immediate context, he is speaking of the different things owed to different members of one's family and to others. Care and honor, for example, are owed to parents as a debt; honor is owed to elders because of their age; and so on. In contrast, to companions and brothers what is owed is not some form of deference but παρρησία.

Aristotle doesn't say why at this point, but his reasoning probably can be made out by looking ahead to what he says of the good man who has a relation to his friend much as he has to himself, since a friend is another self (1166a31–32). Brothers, of course, have similar relations to their parents and so are very like one another in a Leibnitzian sense; that is, it is easier for them to be other selves than it would be for those not having these common parental relations which explain the fraternal relation. Companions or intimates are not as close as brothers but still as φίλοι are much alike.[10] To the extent that they are other selves, it is appropriate for them to be candid with one another much as the μεγαλόψυχος is candid with his approximate peers.

Here again παρρησία is a way of speaking in which one's views are reflected accurately. The setting here is the οἶκος rather than a public environment, but the two cases have something in common, and that something is captured by analysis which uses the category πρός τι. The μεγαλόψυχος operates in a public environment, as we can see from his disregard for the many from the standpoint of the few or the best or the well born or the wealthy; his action is explained categorially as relative

[10] Aristotle makes this point pretty clearly himself when he says at *Pol.* 1287b33 ὅ γε φίλος ἴσος καὶ ὅμοιος.

or πρός τι—πρὸς τοὺς πολλούς. Brothers and companions operate in a household environment; their actions also are explained as relative or πρός τι—πρὸς ἑταίρους … καὶ ἀδελφούς. Thus both treatments of παρρησία in the *Ethics* rest in part on categorial analysis and especially on the category πρός τι.

2.3. Politica *1313b15–16*

> For fearing such people [informers] they are less candid, and if they are candid they escape notice the less.
>
> παρρησιάζονταί τε γὰρ ἧττον, φοβούμενοι τοὺς τοιούτους [*scil.* κατασκόπους, 1313b12], κἂν παρρησιάζωνται, λανθάνουσιν ἧττον.

Here in the *Politics*, Aristotle remarks on παρρησία in the course of discussing how one preserves a πολιτεία, which sometimes seems to be for him the main concern of the political actor.[11] At this point in the *Politics*, Aristotle describes two approaches to preserving one kind of πολιτεία—a tyranny. The first approach to preserving a tyranny is germane to this category-oriented inquiry. This approach consists in part in keeping people from trusting one another. Why is preventing trust (πίστις) important for understanding παρρησία, and how does Aristotle's treatment of it draw on categorial analysis?

Aristotle observes that a tyranny is not dissolved until some have trust in others (1314a17–19). Πίστις is required for its dissolution because those who oppose the tyrant must be able to communicate with one another with παρρησία. The spies destroy πίστις with fear and thereby discourage the tyrant's opponents from speaking among themselves with παρρησία; the tyranny thus is preserved.

In Aristotle's categorial scheme, fear is a suffering (πάσχειν). Just as other sufferings, fear passes rather than endures. The untutored tyrant who thinks of fear as a permanent quality and who believes that his opponents' fear will endure will be misled. The more adept tyrant, knowing that fear tends to pass, must try to sustain it for as long as possible; and the tyrant's opponent must try to allay fear long enough to allow trust to develop. Category mistakes have political salience. And

[11] We see this concern in the following text: *Pol.* 1319b33–35: 'But it is not the greatest or only task of the legislator and of those who desire to construct a πολιτεία of this kind merely to set it up, but rather to ensure its preservation' (tr. Rackham, adapted) (Ἔστι δ' ἔργον τοῦ νομοθέτου καὶ τῶν βουλομένων συνιστάναι τινὰ τοιαύτην πολιτείαν οὐ τὸ καταστῆσαι μέγιστον ἔργον οὐδὲ μόνον, ἀλλ' ὅπως σῴζηται μᾶλλον).

here again, as in the lines paraphrased by Bywater which precede the first text above from the *Ethics* (see 1124b27, supplied in square brackets), παρρησία is contrasted with concealment or escaping notice.

2.4. Rhetorica *1382b19–21*

> And among those whom we have wronged, or who are our enemies or rivals, [we should fear] not the hot-tempered or candid, but those who are mild, dissemblers, and people who will stick at nothing. (tr. Freese, adapted)
>
> καὶ τῶν ἠδικημένων καὶ ἐχθρῶν ἢ ἀντιπάλων οὐχ οἱ ὀξύθυμοι καὶ παρρησιαστικοί [*scil.* φοβεροί, 1382b19], ἀλλ' οἱ πρᾶοι καὶ εἴρωνες καὶ πανοῦργοι·

Fear is part of the context for discussing παρρησία here in the *Rhetoric* just as it is in the first text from the *Ethics* and the text from the *Politics*. Aristotle notes that those who speak with παρρησία are not to be feared as are those who dissemble. Thus here again the εἴρων appears, but the παρρησιαστής and the εἴρων now are different people, and the εἴρων is what he is as a matter of character—we should say, bad character—rather than through sensitivity to circumstances and an appraisal of the different conditions of the hearers. The intent of the εἰρωνεία differs from one case to the other, since those to whom the μεγαλόψυχος is less than candid have nothing to fear from him, while the εἴρων simply speaking clearly is to be feared. Thus the analysis of this text depends not on the category πρός τι but, as in other cases involving fear, on the category πάσχειν or suffering.

2.5. *[*Rhetorica ad Alexandrum*]* *1432b17–19*

> And again, 'Let no one meet me with resentment for proposing to offer you advice upon matters about which certain other persons are reluctant to speak freely [i.e., candidly] to you'. (tr. Rackham)
>
> καὶ πάλιν "μηδεὶς ἀπαντήσῃ μοι δύσκολος, ὅτι μέλλω συμβουλεύειν ὑμῖν περὶ ὧν ὀκνοῦσί τινες ἄλλοι παρρησιάζεσθαι πρὸς ὑμᾶς."

In the *Rhetorica ad Alexandrum*, the context is προκατάληψις or anticipation—anticipatory speech which is invoked to disarm hearers who otherwise may be hostile. The section on anticipation follows immediately after the summary on proofs or the things that tend to produce trust—τὰς πάσας πίστεις (1432b4–5). In addressing anticipation, the author apparently has in mind the situation in the Assembly in which the audience is given to interruption and won't let the speaker

go on. One way to anticipate is to claim to be speaking with παρρησία to one's audience—to be leveling with them, or giving them the whole story—while others are not ready to speak this way with them. Thus this text recalls the *Politics* on πίστις. There, however, one person's candor depends upon that same person's trust; one will not speak candidly unless one is trusting. Here, in contrast, παρρησία is part of one's presentation of oneself which is designed to induce someone else's trust or to get one's proofs a favorable hearing; thus, while it may be genuine candor, it may be eironic candor, that is, the pretense of candor.

3. *Ethics, politics, and the categories*

The understanding of παρρησία that emerges as Aristotle treats τὰ ἠθικά in these texts depends heavily upon part but not all of the table of categories. Actions belong to the category ποιεῖν, and the habits which actions produce exemplify ἕξις, which is a subcategory of ποιότης ('quality'). We think of ἔθος as belonging to this subcategory, and we may think of ἦθος as belonging to it as well. Fear belongs to the category πάσχειν.[12] Since τὰ ἠθικά include character and the things associated with it—habits and related qualities of character, actions, passions, and so on, τὰ ἠθικά will be dealt with using mainly the corresponding subset of categories. And since in studying τὰ ἠθικά some attention must be given to one's relations to other people, the category πρός τι as well will figure here.

The categorial situation is different with τὰ πολιτικά—the things associated with the citizen, including the city and the citizenship. The πολίτης obviously belongs to the category οὐσία; but the citizen always is a citizen of a certain city (πολίτην ἤδη λέγομεν εἶναι ταύτης τῆς πόλεως, *Pol.* 1275b19–20), and so πολίτης also belongs to the category πρός τι. Further, the city is always a city for certain citizens. The citizen's sharing in the city—the πολιτεία or citizenship—is a kind of relation. And since the πόλις is a certain multitude of citizens (ἡ γὰρ πόλις πολιτῶν τι πλῆθός ἐστιν, *Pol.* 1274b41), the category ποσόν or

[12] Although the importance of categorial analysis to Aristotle's effort overall was challenged by Burnet, it seems obvious from these texts that categorial analysis plays a very large part in the *Ethics*. Joachim 1955, 33 argues convincingly against Burnet that 'the doctrine [of the categories], in the form which Aristotle gave to it, shows itself at every turn in his philosophy as the fundamental framework of his system'. For πάσχειν, especially its contrast with πάθος, see Joachim 1955, 83.

quantity comes into play.[13] Again, the city must have νόμοι, and the νόμοι are associated with the category κεῖσθαι; it is idiomatic to speak of the laws' or customs' having been laid down. For Aristotle, as we shall see, νόμοι provide a bridge from τὰ ἠθικά to τὰ πολιτικά.

Because τὰ ἠθικά and τὰ πολιτικά are different kinds of objects, in short, Aristotle's analysis of them precludes a complete categorial overlap, although πρός τι appears in both analyses. The difference is reflected clearly in Aristotle's avoiding the category οὐσία in his discussion of τὰ ἠθικά. There is no linguistic competitor or parallel expression for πολίτης or πολιτικός, for example, in Aristotle's examination of τὰ ἠθικά. In particular, Aristotle apparently does not use the expression ὁ ἠθικός as a substantive for what we might call the ethical man,[14] although he does use ὁ πολιτικός, if usually for what we would call the statesman rather than the citizen; we should remember that to be a citizen meant that one might be called to be a statesman in some official role, at least deliberation or judgment.[15] While he does identify individuals by nouns and adjectives that are associated with the virtues and vices in discussing τὰ ἠθικά, these individuals are identified systematically with respect to something that they manage well or ill—a passion, say, or some sort of good thing such as honor.

Another example may help to make this point clear. In treating τὰ πολιτικά in the *Politics* and the *Athenian Constitution*, Aristotle and the Peripatetic author of the latter work note that participation in deliberation is essential to being a citizen, but they do not discuss the nature of deliberation or what it means to be good at deliberation in any detail; their subject-matter here is the citizen, not deliberation. What it means to be good at deliberation, however, is pertinent to the *character* of the citizen, and so it is discussed in the treatises on

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[13] Ackrill 1963, 77 notes that for 'quantity' in Aristotle, 'the Greek is a word that serves both as an interrogative and as an indefinite adjective (Latin *quantum*)'; he then goes on (1963, 91) to say that Aristotle 'employs everywhere the interrogative-adjective'. Minio-Paluello's text, which Ackrill used, gives ἕκαστον ἤτοι οὐσίαν σημαίνει ἢ ποσὸν ἢ … (1b25–26)

[14] As Schütrumpf 1970, 45 noted, ἠθικός usually is not a value expression in Aristotle (Schütrumpf described ἠθικός in Aristotle as 'meist wertfrei'); it merely associates with character the object to which it is applied. When Aristotle wants to suggest that someone is good, he calls him good rather than ethical, as in 1123b29 where he says that the μεγαλόψυχος must be good (ἀγαθόν).

[15] In Frede 1989, 86, Dorothea Frede remarks on 'the two functions that define citizenship in Aristotle: *bouleuesthai kai krinein*'.

τὰ ἠθικά[16]—'the things associated with character'—in terms of the appropriate categories.

4. *The* Politics *and the* Athenian Constitution

It has been suggested by some that the discussions of the *Politics* especially but those of the other Aristotelian works as well have little in common with the history of Athenian politics in the *Athenian Constitution*. Is there any correspondence in the treatment of παρρησία there? Παρρησία occurs in the *Athenian Constitution* only in the following text (*Ath. Pol.* 16.6.):

> But Peisistratus, being pleased with his [the farmer's] candor and industriousness, made him exempt from taxes on all things.
>
> ὁ δὲ Πεισίστρατος ἡσθεὶς διὰ τὴν παρρησίαν καὶ τὴν φιλεργίαν ἀτελῆ ἁπάντων ἐποίησεν αὐτόν.

This text is from the story about the tyrant's encounter with a hardscrabble farmer during a walking tour of Hymettus. The farmer, who is described as not recognizing (ἀγνοῶν, 16.6) Peisistratus, complains of the tax which the tyrant has imposed. In 16.2, the author, although clear that Peisistratus was a tyrant indeed,[17] uses the story as an illustration of Peisistratus' manner of rule, which was μετρίως καὶ μᾶλλον πολιτικῶς ἢ τυραννικῶς—'moderate and rather political than tyrannical'; this text mostly repeats the characterization in 14.3. Peisistratus was ostensibly, in character, φιλάνθρωπος … καὶ πρᾶος καὶ τοῖς ἁμαρτάνουσι συγγνωμονικός—'kindly and mild and merciful to offenders' (16.2).

The structure of 16.2—its treatment of both manner and character—recalls the beginning of book 2 of the *Rhetoric*, where Aristotle explains that, since rhetoric is for the sake of judgment, it is necessary to see in relation to the speech not only how it will be demonstrative and credible but also of what sort he [the speaker] is and [how] to prepare the judge (1377b21–24). The ποιόν and the ὅπως, which latter adverb I read from before ἀποδεικτικός to be understood before κατασκευάζειν as well, correspond closely to the observations on manner and charac-

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[16] In books 3 and 6 of *EN*, for example.

[17] At the beginning of the account he speaks of Solon's recognition that Peisistratus was applying himself to tyranny (ἐπιτιθέμενον τυραννίδι, 14.2), and at the end he observes that Peisistratus lived for thirty-three years after first having established himself as tyrant (κατέστη τὸ πρῶτον τύραννος, 17.1).

ter in the *Athenian Constitution*. The only link which must be supplied is that manner and character are reflected in speech. It makes a great difference, Aristotle goes on to say, that the speaker should show himself to be of a certain sort (τὸ ποιόν τινα) and should undertake to be in a certain way (ἔχειν πως) in relation to the hearers, and that they should happen to be disposed somehow (πως) in relation to him (1377b25–29). Recognizing the part that the circumstance of manner (or how) and the associated character play in the *Rhetoric*, it is not surprising that the author's language in the *Athenian Constitution*, in describing Peisistratus' manner of rule as μετρίως and his character as πρᾶος, puts one in mind of the *Rhetoric*'s description of those who are to be feared for their character as πρᾶοι; in so doing, it suggests that the character projected by the tyrant was rhetorically eironic and contrived rather than genuinely candid.

In chapter 16, the *Athenian Constitution* makes a point which is anticipated by Herodotus and other writers on the πολιτεία but seems to be clearer here—that the form of government or the way of administering it may be less important to the πολιτεία than the manner of rule. That is the meaning of the author's adverbs, each one reflecting a concern for the circumstance πῶς, in defining the rule of Peisistratus, as well as of the adjectives describing the tyrant himself. There is an echo here of the *Laws* and its treatment of οἴκησις.[18]

This portrayal in the *Athenian Constitution* is consistent with Aristotle's remarks in the *Politics* which describe the two methods of preserving a tyranny. While the first method is illustrated by the use of κατασκόποι, the second requires that one should make a pretence of royalty (ὑποκρινόμενον τὸ βασιλικὸν καλῶς, 1314a40); that is to say, among other things, that one should act with moderation (μετριάζειν, 1314b33) and pursue the moderate things of life and not the excesses (τὰς μετριότητας τοῦ βίου διώκειν, μὴ τὰς ὑπερβολάς, 1315b2–3)—at least in public. The second method of preserving the tyranny probably would be the one favored by Peisistratus, since he came to the tyranny as a demagogue rather than by some other approach (1310b30–31).

[18] It is Saunders 1972, 17 who suggests that οἰκήσεις in 712e10 be rendered 'ways of administering'. If we follow Saunders, we shall say that, according to the *Laws*, the usual ways of administering cities are examples of partisanship, that they get their designations from the dominance of one part of themselves over the rest, and that the manner of rule makes them more or less acceptable to the residents and thus stabilizes them or fails to do so. The manner of rule, of course, is revealed in the deeds and speeches of the ruler.

In the *Politics*, Aristotle gives more credit to the tyrant who preserves the tyranny in the latter way than in the former. As he finishes summarizing the second way of preserving a tyranny, Aristotle notes of the tyrant who follows this approach: 'He is disposed with respect to character either nobly in relation to virtue or half useful, and not base but half base' (αὐτὸν διακεῖσθαι κατὰ τὸ ἦθος ἤτοι καλῶς πρὸς ἀρετὴν ἢ ἡμίχρηστον ὄντα, καὶ μὴ πονηρὸν ἀλλ ἡμιπόνηρον, 1315b8–10). That is to say, the tyrant who acts this way is not all bad.

The author goes on to state that Peisistratus made loans to the poor so that they might support themselves by working the land. And further, the author says that Peisistratus did all of this for two reasons, doubtless not shared with his clients: to keep them from tarrying in the city and to keep them from having the leisure to engage in public business. Thus the farmer in the anecdote was doing just what Peisistratus wanted him to do, working the land, if not very productively, which kept him out of the city with his mind on his own business. *Politics* 1313b19–21, on the preservation of tyranny, notes that the tyrant seeks to keep people busy with their daily affairs so that they lack leisure—presumably, the leisure to look after the public business, to plot, and to plan.[19] No wonder that the farmer's παρρησία was pleasing to Peisistratus, since it showed him that his method of preserving the tyranny was working in this case at least and that he had nothing to fear from the farmer. Peisistratus certainly is not the παρρησιαστής, although he may have wished to seem so; he is the πρᾶος and the εἴρων and the πανοῦργος of the *Rhetoric*.

[19] Rhodes 1981, 216 takes an unfavorable view of the story. He writes: 'as presented by *A.P.* the story is less than satisfactory, since if the peasant did not realize that he was talking to Pisistratus his remark did not display laudable παρρησία'. Rhodes's point is not quite clear. Is it that παρρησία always is laudable, so that, not being laudable, this is not a case of παρρησία at all? If so, why is it not laudable? Or is the point that some παρρησία is laudable and some not, and that παρρησία is laudable only if one knows to whom one is speaking? In fact, in the *Politics*, Aristotle shows that, when tyrants are in question, one never knows to whom one is speaking; one might be speaking to a κατάσκοπος. In the texts regarded as genuinely Aristotle's own, the expression παρρησία and its cognates are descriptive rather than evaluative; thus one can speak with παρρησία whether doing so is laudable or not and whether one knows to whom one is speaking or not. Here, the farmer has been candid, no more and no less, and Peisistratus is favorably inclined. From this standpoint, the story is quite satisfactory. If we read it carefully, we can learn something about how Peisistratus went about preserving the tyranny, which probably was the author's intention and which we know was Aristotle's interest.

Peisistratus' successive ruses for coming to power make his dissembling clear. Although the author's own account is compressed, his reference to Herodotus, who focuses upon Peisistratus' dissemblings, may be viewed as filling in some of the gaps. From wounding himself, to conspiring with Megacles in a false rumor about being honored by Athena, to misrepresenting Phye as Athena, to tricking the citizens out of their arms—incident after incident shows him the dissembler, ready to say or do anything to capture and maintain his tyranny, whatever his manner of rule.[20]

5. παρρησία *and the categories*

In short, in these passages on παρρησία, the treatment of both character and the things nearly associated with it (τὰ ἠθικά), especially actions and passions and habits, relies heavily on the categories. So does the treatment of citizens (who, it should be noted, have these ethical things) and of cities and citizenship (τὰ πολιτικά); and the laws or customs go along with cities and citizenship. Perhaps a preoccupation with the

[20] Day and Chambers 1962, 89–97 take a very different view of the Peisistratus story. Beginning from the position that the *Ath. Pol.* is from Aristotle's hand—a position for which there is no firm evidence and from which Rhodes has demurred—and professing that Aristotle cannot be relied on for observations because he tried to fit all his information in all disciplines into a preconceived theoretical scheme, they argue *inter alia* that Peisistratus was not a tyrant at all and that the democracy of Solon continued until the time of Hippias. For example (1962, 96): 'Aristotle also had his own ideas about tyranny, and he expounded them in the *Politics*. Naturally these ideas were based partly on historical examples, but, as happens in political science, historical data were translated to the status of general laws. Using a minimum of good evidence, already reviewed, Aristotle skillfully elaborated a consistent account of the fourth "change" in the Athenian constitution. Modern works on Greek history eloquently testify to his persuasive success in depicting the character of the tyranny'. Day and Chambers write as if, for Aristotle and other Greeks, the πολιτεία occurred only in a few pure varieties such as democracy and tyranny rather than in gradations and in mixtures of elements. Embracing this counterintuitive and, moreover, apparently incorrect view is made easier for them by their supposing that, when the Greeks write πολιτεία, they mean nothing more nor less than what is meant by 'constitution' in its late eighteenth-century American sense, whereas the Greeks mean something quite different. Day and Chambers do not mention the occurrences of παρρησία here and in other works traceable to Aristotle and the Lyceum. My treatment of παρρησία in the *Ath. Pol.* in connection with its other Aristotelian and Peripatetic occurrences makes it easier to see, however, just how Peisistratus might have been a tyrant with a manner that disturbed very little the democratic elements in Athenian life; and so it makes the Day and Chambers interpretation unnecessary. In politics, manner is not unimportant.

distinct results of the two categorial analyses lies behind the view of Foucault and others who dissociate ethics from politics in trying to understand Aristotle on παρρησία and other points.

Before leaving these texts, it may be useful to ask where παρρησία itself fits into Aristotle's categorial scheme. While the textual references are few, they are enough to show that Aristotle found people speaking with or without παρρησία across cases ranging from the more or less automatic response of the farmer, which shows little concern for relation, to the context-sensitive behavior of the μεγαλόψυχος and of the brothers and companions and of those who were being spied upon, and finally to the factitious behavior of the public speaker. The presentation of these situations is categorial throughout but does not assign παρρησία to one category or another. Rather, it shows that speaking with παρρησία is a way or manner of speaking which can be appropriate or inappropriate.

6. *Τὰ ἠθικά, τὰ πολιτικά, and τὰ ἐν οἷς: why they are of interest for understanding παρρησία in Aristotle*

Categorial analysis, however, hardly is the whole story in Aristotle's remarks on παρρησία. While categorial analysis is useful whether the inquiry be theoretical, practical, or productive, investigations into τὰ ἠθικά and τὰ πολιτικά, are, for Aristotle, practical inquiries, because they address human causes. Thus they involve purpose or are ἕνεκα τινός. Aristotle suggests that the appropriate purpose is that of the πολιτικός (*EN* 1102a7–9); and when τὰ ἠθικά and τὰ πολιτικά are viewed with regard to the purpose of the πολιτικός, they cease to be objects of separate study and come to be part of the same continuous practical analysis. The two categorial analyses can be seen to be complementary when they are viewed from this standpoint.[21] Aristotle outlines this complementarity as he approaches the end of the *Ethics* in what has been viewed as the transition to the *Politics* (*EN* 1179b29–32):

> The appropriate character–loving the noble and hating the base—must belong [to the agent] somehow before virtue does. It is difficult to be

[21] Joachim 1955, 15 observes: 'The reasoning about human conduct and character, he [Aristotle] insists, is only with a view to influencing action. His object is not to understand—merely to understand, apparently, even if possible, is valueless—but to guide and improve life'.

drawn rightly toward virtue from one's youth up *except by being brought up under laws of the appropriate kind.* (emphasis mine)

δεῖ δὴ τὸ ἦθος προϋπάρχειν πως οἰκεῖον τῆς ἀρετῆς, στέργον τὸ καλὸν καὶ δυσχεραῖνον τὸ αἰσχρόν. ἐκ νέου δ' ἀγωγῆς ὀρθῆς τυχεῖν πρὸς ἀρετὴν χαλεπὸν μὴ ὑπὸ τοιούτοις τραφέντα νόμοις·

In this passage, Aristotle begins by linking character and habit, since virtue is a habit, in the way we have seen him do already. Then he goes on to connect the laws with virtue. By comparing Aristotle's other uses of προϋπάρχειν, one can see that 'somehow' (πως) in this text almost surely means what modern English Aristotelians render 'potentially' (δυνάμει). If this interpretation is correct, Aristotle is suggesting that while character must belong to an individual potentially as a cause of virtue, virtue still can be an actual cause of character. Other passages make it clear that, for Aristotle, the influence runs in both directions.

In short, Aristotle is saying here that character is influenced by the laws, though of course, as we should say, character may influence the laws as well. In any case, this passage expressly links ἦθος with νόμος and so links τὰ ἠθικά with τὰ πολιτικά.

A little further on, this link is strengthened as Aristotle ties the πολιτεία back to νόμος and ἔθος (*EN* 1181b20–23):

When these things have been studied we may perhaps be better able to see what sort is the best πολιτεία, and how each is arranged, and what laws and customs each uses.

θεωρηθέντων γὰρ τούτων τάχ' ἂν μᾶλλον συνίδοιμεν καὶ ποία πολιτεία ἀρίστη, καὶ πῶς ἑκάστη ταχθεῖσα, καὶ τίσι νόμοις καὶ ἔθεσι χρωμένη.

Here Aristotle goes beyond the previous passage to suggest that the πολιτεία uses the laws (and customs) to make sure that character is formed properly, and in so doing he outlines part of the relation of the political to the ethical. These passages confirm that, in Aristotle's understanding of the political and the ethical, discontinuity predominates only when the key concepts are being viewed just categorially or in a preliminary way—preliminary to reasoning about what causes what. Viewed from the standpoint of the political actor as cause, they are continuous, because the political actor uses the political things—the laws and the customs, for example—in attempting to affect the development of character.

Aristotle develops much of his notion of the actor as cause in the opening chapters of book 3 of the *Nicomachean Ethics*. Again reflecting actual usage as a starting point for analysis, Aristotle notes that actions

are in the [things that are addressed] each by each (αἱ γὰρ πράξεις ἐν τοῖς καθ' ἕκαστα, 1110b6–7). He goes on to identify these things with the things that the action is in or about (καθ' ἕκαστα, ἐν οἷς καὶ περὶ ἃ ἡ πρᾶξις, 1110b33–1111a1)—the circumstances in his technical sense as explained in 1111a3–5: the knowledgeable actor addresses τίς, τί, περὶ τί ἢ ἐν τίνι, τίνι, ἕνεκα τίνος, and πῶς.[22] He lists things about which no one deliberates; not every actor deliberates even about all human things, 'as none of the Spartans deliberates about how the Scythians might arrange their citizenship best' (1112a28–29). In contrast to the scientist, the actor occupies himself with changeable things, and not with all of them but only with those that are in his control and can be done (βουλευόμεθα δὲ περὶ τῶν ἐφ' ἡμῖν καὶ πρακτῶν, 1112a30–31 [Bywater]). Again, the actor looks at what holds for the most part or at that whose outcome is uncertain (1112b8–9). Aristotle concludes that, in matters of deliberation, a man seems to be and is spoken of as an originator of actions (ἔοικε δή, καθάπερ εἴρηται, ἄνθρωπος εἶναι ἀρχὴ τῶν πράξεων, 1112b31–32).

This discussion of the actor as cause, which shows how Aristotle embeds circumstances in his treatment of action overall, alerts us to the place of circumstances in his treatment of παρρησία from the standpoint of the actor. Παρρησία, as a certain *way* of speaking, is appropriate to the μεγαλόψυχος, presumably in a place like Athens, in a public environment, except when his relations to certain others are such that the others will not be able to appreciate his candid speech; it is appropriate in a domestic environment in dealing with those who are most like oneself; it is inappropriate, in the sense of being dangerous and discouraged, in a tyranny, because there one must be wary of informers; a claim of παρρησία is appropriate to a speaker when it can be used to allay the apprehensions or animosities of recalcitrant audiences; παρρησία calls for a certain kind of response which is different from the response appropriate to dissembling. In short, consideration or perception of τὰ καθ' ἕκαστα and thus of the ἐν οἷς is required for the πολιτικός to decide how candid he will be because his enterprise is not scientific or theoretical but prudential or practical.

Aristotle describes the standpoint of the actor, and especially of the πολιτικός as political actor, more fully in book 6 of the *Nicomachean*

[22] Mulhern 1975 follows Balme in recognizing two senses of τὰ καθ' ἕκαστα—the *infimae species* and the individual members of a species. Where circumstances and perception are in question, τὰ καθ' ἕκαστα will be individuals.

Ethics. He argues early on that it is rational to consider not only invariable things but also the variable (1139a6–8) and that the variable things are the objects of calculation (1139a13–14). He contrasts the actor's activity with that of the scientist, beginning at 1141a28. Aristotle now heightens the contrast by pointing out that prudence is concerned with τὰ καθ' ἕκαστα (1141b15; see also 26 and 30) and that the political habit or virtue and φρόνησις are the same habit (ἔστι δὲ καὶ ἡ πολιτικὴ καὶ ἡ φρόνησις ἡ αὐτὴ μὲν ἕξις, 1141b23–24). He then observes that τὰ καθ' ἕκαστα come to be known from experience (1142a14–15). And he goes on to round out the contrast by noting that φρόνησις deals with the last thing (or the individual), of which there is not science but perception (1142a23–29).

An example that contrasts theoretical science with prudential or practical inquiry may be helpful. The scientist, then or now, might well study the kinds of πολιτεῖαι and leave it at that. In studying them, the scientist presumably would be looking for the common features to complete a classification. The political actor might study these as well but would be concerned chiefly for the one he had an interest in preserving and for those he had an interest in destabilizing, with all their peculiar features and circumstances; we have seen how Aristotle's understanding of παρρησία bears on both cases. It is not surprising that, in offering a canonical list of circumstances in 1111a3–5, Aristotle gives preservation—οἷον σωτηρίας (1111a5)—as an example of purpose (ἕνεκα τίνος).

Having secured the notion of the actor as cause in books 3 and 6 of the *Nicomachean Ethics*, Aristotle goes on in various places to represent the πολιτικός as a cause to the extent that he acts to preserve the city (ἡ σωτηρία τῆς κοινωνίας ἔργον ἐστί, κοινωνία δ' ἐστὶν ἡ πολιτεία, *Pol.* 1276b28–29). Further, certain kinds of τὰ ἠθικά cause preservation and others destruction of the cities, and certain kinds of them have one or other of these effects on each of the [kinds of] πολιτεῖαι (*EN* 1181b18–19). (This point has been made above [section 2.3] with reference to *Pol.* 1314a17–19 on πίστις in commenting on *Pol.* 1313b15–16.) Thus the πολιτικός must attend to τὰ ἠθικά and τὰ πολιτικά together for a practical purpose—to preserve the city and the citizenship. When τὰ ἠθικά and τὰ πολιτικά are viewed from this perspective, which is that of the πολιτικός, they become complementary if discrete objects in a single analysis.

In short, considering the standpoint and purpose of the political actor in Aristotle's way, the political and the ethical belong to one con-

tinuous inquiry which includes actions, passions, habits, character, customs, laws, citizens, cities, and citizenship, because preserving the city or the citizenship requires that the political actor, who is a cause, use the laws and the customs and the character of the people and whatever is associated with them. Further, while assessing the interactions of τὰ ἠθικά and τὰ πολιτικά, he must look through them, as it were, to interpret the individual circumstances which the actor actually faces. In the last analysis, these circumstances, or his perceptions of them, will guide him in speaking with παρρησία or not.

7. *From the political to the ethical?*

Circumstances and the perspective of the πολιτικός have been put aside for some hundreds of years in mainstream Western thought about public life, which apparently has followed Descartes in downplaying the place of τὰ ἠθικά and circumstances as items of interest to the political actor. Descartes' bias comes out especially clearly in his laudatory description of the laws of Sparta, in which he argues that Sparta flourished not because of the benefit of each of its laws severally but because, 'n'ayant été inventées que par un seul, elles tendaient toutes à même fin'.[23] For him, the virtue in a civic arrangement comes not from a wise regard for τὰ ἠθικά in one's own circumstances but from the unity of the lawgiver. Because of the dominance of this Cartesian individualism and other scientific individualisms in American politics,[24]

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[23] In *Discours de la Méthode* [1637] 1953, 133 Descartes apparently represents Plutarch's πρὸς ἓν τέλος (*Lycurgus and Numa* 4.3) inexactly by 'à même fin'. Amyot 1559, 53 whose translation was much admired by Montaigne and others, gives 'à une mesme fin', which certainly is a halfway house between Plutarch and Descartes and which may have let Descartes feel justified in selecting either Amyot's 'une' or his 'mesme', depending on the point he was trying to make. In any case, it is clear that Descartes was putting Plutarch to his own purpose. Descartes professes to find some of the Spartan laws 'fort étranges et même contraires aux bonnes moeurs', while Plutarch hardly finds them so. For Plutarch, the laws of Lycurgus were in fact themselves what we might regard more easily as customs, since they were not allowed to be written down (*Lycurgus* 13.1) but were conveyed by education addressed to character formation. Descartes appears to pay little attention to the place of custom or unwritten law in considering the legislator. Descartes' contribution to Spartanism appears to have been overlooked. Roberts 1994, for example, appears to make no mention of Descartes despite her preoccupation with his eighteenth-century intellectual heirs.

[24] As De Tocqueville noted in 1840, 'America is therefore one of the countries where the precepts of Descartes are least studied and are best applied'. See De Tocqueville

the Aristotelian view has had little influence on study of the American situation, although states and local governments, which have been the American jurisdictions most concerned with questions of internal order and hence of character, paid a great deal of attention to issues of character in the nineteenth century and the early twentieth century through such vehicles as the public school movement.

Some recent students of American politics, however, have begun to recover the Aristotelian view in what may be considered a post-modern way. They have been led in some respects by the work of James Q. Wilson, who for a quarter-century was Professor of Government at Harvard. Wilson has been moved in this direction in large part by his study of crime in America and especially by his discovery that crime increased dramatically when public concern for character eroded. His results appear in an especially trenchant form in an essay titled 'The Rediscovery of Character: Private Virtue and Public Policy'.[25] While Wilson's work owes much to the Scottish Enlightenment, he is indebted as well to Aristotle, whom he reads less from a scientific standpoint, where the student is primarily an observer of causes, than from that of the political actor, where the student might become the cause. Wilson's position is that: 'The traditional understanding of politics was that its goal was to improve the character of its citizens'. And he goes on:

> Virtue is not learned by precept, however; it is learned by the regular repetition of right actions. We are induced to do the right thing with respect to small matters, and in time we persist in doing the right thing because now we have come to take pleasure in it. By acting rightly with respect to small things, we are more likely to act rightly with respect to large ones. If this view sounds familiar, it should; it is Aristotle's. Let me now quote him directly: 'We become just by the practice of just actions, self-controlled by exercising self-control'.[26]

For Wilson, politics and ethics, τὰ πολιτικά and τὰ ἠθικά, despite the fact that they are different kinds of objects, belong to a continuous analysis.

Once it is clear that, from a practical perspective, τὰ πολιτικά and τὰ ἠθικά belong to a continuous analysis and that the supposed Foucauldian transformation of political παρρησία into ethical παρρησία would be alien to Aristotle's thinking, the way is opened to addressing

1963, II, 3.

[25] Wilson 1995, 21.

[26] Wilson 1995, 22–23. The reference apparently is to *EN* 1103a34–b2.

other questions whose investigation may be revealing for Greek views of παρρησία during the long Athenian democracy and even at other times and in other places. One such question has to do with whether and to what extent the Aristotelian connection of τὰ ἠθικά and τὰ πολιτικά is found in other authors, including some works of Plato. In book 8 of the *Republic*, after all, in a sentence which gets much less attention than the one immediately preceding it,[27] Socrates facetiously asks his interlocutor whether he thinks that the πολιτεῖαι, which we have seen are to be treated among τὰ πολιτικά, come to be out of tree and stone and not from the characters of the city residents (ἢ οἴει ἐκ δρυός ποθεν ἢ ἐκ πέτρας τὰς πολιτείας γίγνεσθαι, ἀλλ' οὐχὶ ἐκ τῶν ἠθῶν τῶν ἐν ταῖς πόλεσιν 544d7-e1)—a topic which links τὰ πολιτικά to τὰ ἠθικά. And in the *Republic*'s discussion of the mixed arrangement tending toward oligarchy and of the man who is typical of it, Adeimantus uses the phrase 'the character of that πολιτεία' (τὸ ἦθος ἐκείνης τῆς πολιτείας, 549a8; see also ὁ τρόπος τῆς πολιτείας, 551b8). Similar suggestions occur elsewhere in language which anticipates Aristotle.

All of these categorial, circumstantial, and linguistic considerations are absent from Foucault's lectures, and their absence has made it possible for Foucault to draw a fairly hard and fast line of separation between the ethical and the political. This separation has made it possible as well for Foucault and his students to speak of a transformation of παρρησία from the political to the ethical.[28] Foucault's position is of

[27] The preceding sentence (544d6–7) is the question, Οἶσθ' οὖν, ἦν δ' ἐγώ, ὅτι καὶ ἀνθρώπων εἴδη τοσαῦτα ἀνάγκη τρόπων εἶναι, ὅσαπερ καὶ πολιτειῶν; 'Do you know then, I said, that there must be as many kinds of ways of men as there are πολιτεῖαι?'. On εἴδη τρόπων see Adam 1963, *ad* line 26 in his numbering.

[28] In the transcript of his 1983 Berkeley lectures, Foucault says, in addressing παρρησία in the fourth century: '*Parrhesia* is no longer an institutional right or privilege—as in a democratic city—but is much more a personal attitude, a choice of *bios*'. And he goes on to say: 'This transformation [to a personal attitude] is evident, for example, in Aristotle'. See Foucault 2001, 86. Gary Alan Scott finds something similar in the French lectures. He writes (1996, 97): 'Foucault's study of Plato's use of *parrhesia* centers … in the French lectures, around Plato's role in the transformation from political to ethical *parrhesia*'. The supposed transformation thus depends upon the view that παρρησία was an institutional right or privilege as moderns ordinarily speak of rights and privileges. As Ostwald 1996, 55 has pointed out, however, for the Greeks, 'all citizens are equally privileged: the "privilege" is a privilege only to the extent that slaves and foreigners are excluded from it'. And with respect to rights, in the case of Aristotle: 'There is in his vocabulary [which he shares with other Greek writers of the fifth and fourth centuries] nothing that corresponds exactly to our concept of "right" in the sense of "claim" or "entitlement"'. Thus the point from which the transformation is supposed to have proceeded according to Foucault—the status of παρρησία as a right—has not been made

a piece with other characteristically modern separations of the ethical from the political which have led some scholars to argue extreme positions—for example, that the *Republic* is either ethical or political but cannot be both.[29] These separations appear to be illusory. I wish to suggest that, if we don't bring this modern dualistic orientation to our reading of Aristotle, we shall not find such a separation there. Instead, we shall find Aristotle, with his categorial analysis and his sensitivity to circumstances, clarifying his treatment of παρρησία in a different way, using the integrated framework of τὰ ἠθικά and τὰ πολιτικά for the instruction of the political actor.

8. *Conclusion*

In this paper I have offered a fresh account of Aristotle's understanding of παρρησία. In doing so, I have rendered the expression παρρησία by 'candor', which is fairly neutral emotively, because, for Aristotle, the assessment of our manner of speaking, and thus of our actions which display παρρησία, is far from automatic; we may be disposed favorably toward παρρησία in some cases but not in others. Thus παρρησία is not, for example, a virtue, even though speaking with παρρησία may depend on the exercise of virtue.

This account shows, I think, that Aristotle's understanding of παρρησία cannot be dealt with in a way that is faithful to his intentions

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entirely secure. As to where the supposed transformation has ended: Foucault's separation of political institutions from 'ethical, moral character', which is illustrated clearly here, appears to depend upon a common historical oversight—namely, that there is no character for the Greeks that is not ethical, since 'character' is simply a translation for ἦθος, from which we get 'ethical'. As for 'moral': The Latin *mos* may be closer in sense to 'custom' than to 'character', but its being so does not save Foucault here. Even if one gets beyond this difficulty, Foucault's separation of τὰ ἠθικά from τὰ πολιτικά overlooks the explicit links in Aristotle and elsewhere. *Contra* Foucault, παρρησία is associated with character as well as with monarchy; and παρρησία both receives a political analysis and is associated with political institutions, since character is not merely personal for Aristotle.

[29] See Annas 1999, especially chapter IV, 'The Inner City: Ethics without Politics in the *Republic*'.

I wish to acknowledge Jeremy McInerney for probing questions which directed me to a more thorough examination of the *Athenian Constitution* and its relation to other works; Ralph Rosen and Ineke Sluiter for stimulating questions and comments on the logic of the paper; and Mary Mulhern for invaluable assistance in the interpretation of the texts throughout composition and revision.

except by using his categorial analysis, by acknowledging his integration of τὰ ἠθικά and τὰ πολιτικά from the standpoint of practice, which is the standpoint of the political actor, and by attending to his treatment of circumstances. Παρρησία is above all a matter of *how* one speaks. It answers the circumstantial question πῶς. And the answer to the πῶς question depends heavily upon one's relations to one's hearers, which we understand better when we understand the category πρός τι. Παρρησία is important to the political actor because the political actor's function is to do something rather than simply to understand something, and sometimes his doing something makes it advisable for him to speak in a parrhesiastic way, sometimes not. I would add that, while Aristotle's ability to participate in civic life at Athens was limited by his being a metic, there is little reason to believe that this situation obscured his view of Athenian examples of παρρησία and of other Athenian political practices.

In short, the discontinuity that Foucault and others find in some of the Platonic dialogues is foreign to Aristotle. And further, once Aristotle's understanding of παρρησία and his framework for dealing with it are made explicit, even many passages in the Platonic dialogues may appear to be less sympathetic to any practical separation of the ethical from the political than Foucault has suggested.

Appendix: On text and interpretation of EN *1124b29–31*

Burnet 1900, 185: 'The MS. tradition is more confused [here] than anywhere [else] in the Ethics'. While there are many variants, it is not clear that they have been thought by anyone to affect the sense very much. For present purposes I follow Bywater 1892, with whom Burnet agrees, and attempt to render the text as it stands quite literally, assuming an ellipse of a second occurrence of ἀληθευτικός or παρρησιαστής or perhaps both and accepting '[εἰρωνεία δέ]' as the lecturer's or notetaker's or editor's or copyist's insertion—'yes, dissembling'—to hearers or readers who might be taken aback by the suggestion that the same individual might be both παρρησιαστής and εἴρων. This is, after all, a shocking suggestion.

Eucken 1866 didn't bother to address the insertion in his discussion of the particles in Aristotle, apparently because he shared Bekker's view that the insertion did not belong in the text. Bywater 1892, 40 used brackets 'on the assumption that εἰρωνεία is a dittographia, such as we

often find in K[b] …, and that δέ was interpolated to give a semblance of syntax to the clause after the intrusion of εἰρωνεία …'. But this dittography is not like Bywater's other examples, in that the others do not include a noun and a particle and that none of them includes an interpolation after the fact, as it were, 'to give a semblance of syntax'. Further, each of the other dittographies is an *exact* duplicate of its original except for one change of accent from grave to acute. Bywater himself had reservations about his contributions on this passage, and he remarked: 'it is quite possible that something better may be hidden beneath another of the many readings in the MSS'.

If εἰρωνεία δέ is to be retained and explained, it needs to be acknowledged that these words are independent syntactically if not semantically of the context. At first blush, the nominative with post-positive δέ suggests a fragment of a new sentence or clause. In all likelihood, δέ in this new sentence or clause would be connective rather than apodotic or resumptive; in fact, it might be somewhere between continuative and adversative, given that Aristotle is moving in the passage from the adversative to the continuative. ('Candor is his practice in the one case, but yes, dissembling in the other'.) But something less than a complete new sentence or clause may have been intended. Levin 1979, 55–56 observes that 'μέν and δέ seem equivalent to gestures … In a primary situation, where the speaker was talking about persons or things within sight or grasp, it is easy to visualize him pointing or even touching: [Levin cites *Acharnians* 812–814] … In more intellectual discourse, where the topics were present only to the mind or imagination, μέν and δέ were used just the same, whether or not there were concomitant gestures; for instance, in a narrative'. And he goes on: 'Generalizations about the Greek "particles" are elusive, but I would remark that most of their functions in linking or separating sentences can be explained as extensions of functions within a sentence or clause (57)'. On Levin's showing, the particle could be calling attention to εἰρωνεία by a kind of verbal pointing—'Yes, εἰρωνεία', or 'εἰρωνεία, you see,' or 'εἰρωνεία, after all'—with the appropriate tone of voice and inflection.

If this kind of indication was the intent, should one have expected γε instead of δέ? There is the possibility that δέ is miswritten for γε, as happens sometimes. As Denniston 1966[2], 114 notes of γε: 'The essential force of the particle appears to be concentration. It serves to focus the attention upon a single idea, and place it, as it were, in the limelight: …'. Following this line of thought, the passage of which we see a fragment in εἰρωνεία δέ might begin with the question

understood ‘Is dissembling a practice of his?’ and end with the answer ‘Yes, dissembling’. Denniston observes of the use of γε in answers: ‘This extremely common and diversified use is an off-shoot of emphatic γε. It is not strictly true to say, as has often been said, that γε here means “yes”, though “yes” is sometimes a convenient rendering (130)’. See, for example, the frequent use of πάνυ γε in Plato. Closely related to this use of γε in answers, Denniston notes, is its epexegetic use (138). Still another related emphatic use of γε is the exclamatory (126). Any of these uses can accommodate the nominative as easily as can δέ as post-positive in a new sentence or clause. The latter two uses of γε have the advantage that neither of them would require conjecturing a sentence or clause from the words in the insertion.

Work on the particles since Denniston sometimes stresses or clarifies the point that the particles may be used not only to articulate the relations of states of affairs or of phrases and clauses (so-called discourse units) but also to do something with the reader or listener in mind. This approach adds pragmatics to syntax and semantics in the study of the particles. Denniston’s treatment of γε anticipates the pragmatic approach. See Wakker 1997, 210–211, for observations on the pragmatic framework for understanding the particles. If one adopts Wakker’s scheme of three metaphorical levels of discourse in pragmatics, it would appear that γε exemplifies the interactional level (relation to the communication environment), at least sometimes, and is not to be assigned exclusively to the representational level (states of affairs). Wakker assigns δέ mainly to the presentational (discourse unit) level.

Further on this text and its translation: It is usual to render καταφρονητικός by ‘contemptuous’ (Ross) or by a phrase such as ‘looks down upon’ (Ostwald) or something of the kind; and the latter at least is quite correct etymologically and from the standpoint of usage. It is possible to make the case, however, that the μεγαλόψυχος of Aristotle’s account hardly would notice his inferiors; he would not have time for contempt or for very active looking down on them. And so I have chosen to render ‘disregard’, which matches the descriptive meaning of the Greek fairly closely while avoiding a strong emotive meaning that I fear might be out of place.

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CHAPTER FIFTEEN

FREEDOM OF SPEECH AND THE ROMAN REPUBLICAN ARMY

Stefan G. Chrissanthos

1. *Introduction*

In 168 BCE, during the Third Macedonian War, L. Aemilius Paullus addressed his troops while encamped near the River Elpeus.[1] Paullus told the men that he alone would make the military decisions and that they should not speak out either publicly or in private about the course of the campaign. Unlike other, weaker commanders, he would be firmly in charge and would not allow himself to be led around by camp opinion. He finished by telling them that they should not concern themselves with the conduct of the war but instead should be ready to fight when ordered. What makes this episode worth reporting is the fact that Paullus' efforts represent one of the few instances that this type of camp censorship had occurred. Contrary to the picture painted by Polybius and many modern historians, the Roman Republican soldier was not always unquestioningly obedient to his commander. Since he was first and foremost a Roman citizen vested with certain important rights, the Roman soldier inherited a long tradition of independent thought and action. Most importantly, the men enjoyed *libertas*, which included the freedom to speak out at any given time. They expected to be able to express their opinions on literally any matter about which they were concerned, especially, obviously, matters pertaining to their military situation and their conditions of service.

This paper will attempt to do a number of things. First, it will try to establish the meaning of Roman *libertas*, and the rights and privileges associated with it. Second, it will attempt to discover a connection between rights inherited and enjoyed by citizens in Rome, and those enjoyed by the soldiers in camp. Specifically, it will try and trace the links that brought historical and contemporary political knowledge to the Roman soldier. Third, it will detail the many instances during the

[1] Livy 44.34.

history of the Roman Republican army in which soldiers exercised freedom of speech. This will not be an abstract discussion of *libertas* but instead will survey concrete examples of the soldiers in real situations to discover in what contexts and under what conditions this right was used. Fourth, it will analyze how freedom of speech affected the relationship between soldiers and commander, in particular the effect it had on the commander's military strategy and the conditions of service he imposed. Lastly, this paper will argue that freedom of speech exercised by common soldiers within the Roman camp affected the course of numerous campaigns and in some cases, the overall course of Roman history.

2. *Libertas in Rome*

Though *libertas* was one of the fundamental concepts of the Roman Republic, it had no 'universally recognized meaning'.[2] Instead it assumed 'a variety of forms'.[3] Syme long ago remarked that because of the multiple and often abstract meanings of *libertas* it became a term of 'fraud'.[4] However, despite his cynicism modern historians, including Syme himself, generally agree that *libertas* did indeed provide certain concrete rights and privileges for the citizen of Rome.[5] Brunt's definitive study provides a long list of meanings for *libertas*.[6] It covered everything from the legal 'status of one who is not a slave', to the efforts to create economic equality, to *provocatio*.[7]

For the purposes of this paper, the most important aspect of *libertas* was political. It was the 'concept around which the Romans' institutions and political practices were built'.[8] Though *libertas* was used by all

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[2] Cic. *Phil.* 3.36, *De Or.* 2.198–199; Livy 2.1, 4.5, 8.21; Sal. *Cat.* 6; Syme 1939: 149–161; Wirszubski 1950; Brunt 1988, 281–350; Mouritsen 2001, 9–14. The importance of *libertas* is a recurrent theme among Roman authors. According to Mouritsen, *libertas* had eventually 'come to form a core element of the national identity of the Romans'.

[3] Mouritsen 2001, 11.

[4] Syme 1939, 155.

[5] Syme 1939, 155; Brunt 1988, 331. Syme admitted that *libertas* was 'roughly equivalent to the spirit and practice of Republican government'.

[6] Brunt 1988, 281–350.

[7] Livy 3.55; Brunt 1988, 283, 346–349.

[8] Mouritsen 2001, 9.

politicians no matter their political agenda, it had special significance for the people.[9] Their claims to sovereignty were in fact based on the popular conception of *libertas*.[10] This manifested itself in two important ways.

First, 'popular liberty entailed the *jus suffragii*', the right to vote on legislation, on important decisions, and in city elections.[11] The efforts of the Gracchi and other popular leaders to reassert the powers of the people in large part meant reestablishing their power to make laws free from the interference of the senate.[12] Along with legislation, the people had the right to elect city magistrates. When that right was temporarily abolished, as it was during the decemvirate, *libertas* was lost.[13] It followed that since the people elected city magistrates, the magistrates were therefore responsible to the people. The people expected city magistrates to inform them about the course of political and military events. They expected city magistrates to provide information on proposed laws and other pending decisions. Ultimately, magistrates could be brought to trial for their actions while in office.[14] The Romans believed this accountability was essential for the defense of *libertas*.[15]

Second and most importantly for this paper, *libertas* bestowed freedom of speech on Roman citizens.[16] C. Memmius (trib. 111), in a speech Sallust claims to have reported faithfully, said *libertas*, by which in this case he means freedom of speech, was one of the most important powers enjoyed by the Roman people.[17] Cicero stated that free expression

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[9] Cic. *Phil.* 8.13; Sal. *Jug.* 31; Syme 1939, 155; Brunt 1988, 282, 330; Mouritsen 2001, 9. As Brunt and many others have noted, 'frequent appeals were made on all sides to *libertas*'. Syme added that the meaning of *libertas* 'was not a matter of legal definition but of partisan interpretation'.

[10] Brunt 1988, 330; Tatum 1999, 7. For the people and their leaders, *libertas* was the 'watchword'. In fact, Tatum defines a popular politician as one who defended popular *libertas* 'even in the face of senatorial infringement, indeed especially in the face of such opposition'.

[11] Brunt 1988, 339–340.

[12] Livy 4.5; Sal. *Jug.* 42. According to Livy, the kings had been driven out so the people could enjoy *libertas* and enact the laws they wished.

[13] D.H. 11.1.3; Livy 3.37–38.

[14] Brunt 1988, 341–342; Millar 1998, 13–15.

[15] Livy 38.50.

[16] Brunt 1988, 313–317, 327–329.

[17] Sal. *Jug.* 31; Syme 1964, 156; Paul 1984, 97–103. There is some debate as to the authenticity of Memmius' speech. Syme argues that it is a 'free composition of Sallust'. Paul disagrees, stating that copies of Memmius' speech may indeed have survived to be 'consulted' by Sallust. Whatever the case, Sallust had been tribune in 52 and certainly would know what constituted 'typical popular oratory' to use Paul's phrase.

was the main characteristic of a free man.[18] This and other, similar evidence led Syme to remark 'freedom of speech was an essential part of the republican virtue of *libertas*'.[19]

In practice, there were few if any restrictions on the exercise of this right by Roman citizens. In general, the Roman State possessed no mechanism by which the right to speak out was repressed. There was no state police force, secret or otherwise, which would control independent thought and expression. With some late republican exceptions, there was no military presence or Praetorian Guard in the city which would limit *libertas*. There were no state censors, in the modern sense of the word, who would restrict public utterances or publications. Unlike the later Empire and cases like A. Cremutius Cordus', there was little or no attempt by the state to censor its citizens. In addition, there were apparently no frequently used 'libel' laws in the Roman State.[20] If Cicero's career is any indication, Romans could say almost anything about their fellow citizens practically without fear of legal retribution.[21]

Also, Brunt convincingly argues that this freedom of speech was not the preserve of the upper classes alone but was enjoyed by all Roman

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Therefore Memmius' speech represented an accurate recreation of a popular speech in the Roman forum, if not of his time, at least of Sallust's.

[18] Cic. *Phil.* 11.3.

[19] Syme 1939, 152.

[20] Smith 1951, 169–179; Gruen 1968, 263; Brunt 1988, 315–317; Frier 1989, 1–2, 177–200; Alexander 1990, 169; Robinson 1995, 99–103. There were indeed libel laws (*iniuria*) in Rome during the late republic which could be prosecuted through civil courts as a *delict*. However, though the laws did exist, they apparently were rarely used. There are no known libel cases from the late republic. Of the three earlier cases (one from the third century and two from the second century), all involved words uttered on stage. Brunt argues that among men of standing 'there was virtually no fear' of prosecution for libelous words. Suing men of lesser means would have been 'futile' since they did not have the means to pay damages. Charges of *convicium* would also have been very difficult to prosecute since in large groups of people there was indeed 'safety in numbers' as Brunt notes, pointing out the difficulty of going into a crowd and apprehending and identifying a culprit or culprits. Laws against *calumnia* applied only to persons bringing false accusations in court, not against people making general, disagreeable statements. So though laws against libelous speech existed, they appear, especially during the troubles of the late republic, to have been rarely used. As Smith noted, in the 'disintegrating conditions of society some laws were simply disregarded'.

[21] Plu. *Cic.* 26; Syme 1939, 149–152; Brunt 1988, 315–317; Tatum 1999, 12, 41–43, 79–80, 83–84, 87–88, 97–98, 142–145, 181–182, 197–198, 247–249. Plutarch provides a long list of some of Cicero's personal attacks against various Romans. Tatum details the invective directed against P. Clodius Pulcher during his career, as well as that which he directed against others.

citizens.[22] Cicero notes that during the dictatorship of Caesar it was not only the nobles but the people as well who lost their freedom to speak out.[23] When that freedom had been lost, Cicero tells us, the people had been reduced to 'slavery'.

The *contio* was an important manifestation of the above definitions of *libertas*. In theory, those attending *contiones* 'represented the sovereign Roman people and embodied the ideal of *libertas*'.[24] *Contiones* were unsorted, non-decision-making assemblies called by a magistrate for any purpose the magistrate wished.[25] *Contiones* were held to relay important news and information to the people, to provide a platform for political campaigning, and to discuss or debate pending legislation and other decisions often as a prelude to actual voting. Although only a magistrate could convene a *contio*, and only he could designate someone to mount the rostra and address the people, with permission, any Roman citizen was eligible to speak. Commoners requested and were sometimes granted permission to address the crowd.[26] Some tribunes, looking to provide a forum for popular expression and increase their popularity in the process, even issued general invitations for private citizens to come forward and speak at *contiones*.[27] All Roman citizens were free to attend these meetings and, even if they did not mount the rostra, they could participate by shouting, applauding, cheering, jeering, or to demonstrate their displeasure, leaving. The audience could also engage in debate with those on the rostra.[28] In short the people could express their opinions through verbal participation in the *contiones*, and affect the political process in this way.[29] By definition, popular politi-

[22] Brunt 1988, 314–317.

[23] Cic. *Phil.* 2.64.

[24] Mouritsen 2001, 13–14.

[25] Taylor 1966, 15–33; Polo 1995, 203–213, 215–216; Millar 1998; Lintott 1999, 42–43; Mouritsen 2001, 38–62.

[26] Livy 42.34. For example, in 171 BCE a former centurion Sp. Ligustinus received permission from the consul and the tribunes to speak at a *contio* before the people.

[27] Livy 45.36.

[28] Plu. *T.G.* 21. Maybe the most famous example is a debate that took place between C. Sempronius Gracchus and P. Cornelius Scipio Aemilianus concerning the murder of T. Gracchus. Not only did the two men engage in debate, but the crowd actually became involved as well.

[29] Millar 1998; Mouritsen 2001. There is of course a great debate as to how much the people actually affected the political process as well as what exactly is meant by the 'people'. Millar argues that the people, through their tribunes and through the assemblies did indeed exercise significant power within the Roman state. Mouritsen counters that though in theory the people may have had power; those who actually

cians needed the support of the people to remain popular and retain their influence. Therefore, they were required to take into account the opinions expressed by the people. Lastly, neither the Roman state nor powerful individuals had the right or the ability to restrict the crowds in the *contiones*, nor was there any type of police force or security apparatus to limit freedom of expression. Though there were laws against *convicium* for these situations, they were apparently rarely used.

To a large extent, the rights and privileges enjoyed by the people were the product of earlier historical events such as the Conflict of the Orders (494–287 BCE).[30] A significant body of information about this past had survived into the late republic. Certainly rich, well-educated citizens possessed this information, but did the average citizen know it as well? If so how were they educated? One way this information was disseminated was through oratory in the *contiones*.[31] One way to sway listeners was to employ historical *exempla*, which added *auctoritas* to their arguments.[32]

A few relevant examples will suffice. The 'secession' of the followers of C. Sempronius Gracchus to the Aventine in 121 was meant to recall the early secessions of Roman history.[33] The secessions were the source of C. Gracchus' power as tribune and the rights of the people. If the significance of these moves was lost on the people, it could certainly all be explained. In the *De Oratore*, Cicero related that M. Antonius (cos. 99) made a speech in the forum sometime in the mid-90s.[34] To buttress his argument, Antonius had gone into a long discourse on the history of the ancient struggle between patricians and plebeians. He had stated that mutiny in the early Roman army was justified and even necessary to gain political rights and reforms. Cicero himself used the same themes in some of his own speeches and treatises. In the *Pro Murena*, Cicero reminded his listeners of the ancient link between the plebeian secessions and the Aventine.[35] In his *Pro Cornelio*, Cicero spoke in great detail about the events surrounding the First and Second

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showed up in the forum were not representatives of the people at large. In reality it was the senatorial class that, due to many factors, controlled the political process.

[30] Cic. *De Or.* 2.198–199; Livy 2.1, 4.5; Sal. *Cat.* 6; Lintott 1999: 27–39.

[31] Cic. *De Or.* 2.182.

[32] Cic. *Aca.* 2.13; Millar 1999, 3.

[33] Ap. *B.C.* 1.26; Plu. *C.G.* 15–16; Livy 3.54, *Per.* 61; Cic. *Pro Mur.* 15.

[34] Cic. *De Or.* 2.199; Millar 1986, 3.

[35] Cic. *Pro Mur.* 15.

Secessions.[36] Important ideas and reforms, such as the creation of the *lex sacrata* and the tribunate, were discussed. Cicero reiterated his belief that, in some instances, even military mutiny was entirely justified to secure rights previously denied. In the *Academica*, Cicero again spoke of the connection between *seditio* and *secessio*, and the plebeians' success in gaining significant rights.[37] This work was never delivered in the forum, but in it Cicero made a telling observation. He stated that contemporary *popularis* politicians always used historical *exempla* in their speeches to justify their own actions. They claimed to be the successors of early plebeian leaders, and therefore that their actions were part of the long plebeian struggle against the nobility. Another example was the speech mentioned above from Sallust's *Jugurthine War*.[38] In it, the tribune C. Memmius speaking to the people at a *contio*, urged the plebeians to defend the *libertas* that they had inherited from their ancestors. He reminded his listeners that those ancestors had mutinied while in the army and seceded from the city to the Aventine in a number of successful attempts to secure political rights. There was a direct connection between the army's actions and the development of *libertas*. Foremost among the rights bestowed by *libertas* was freedom of speech, which he vowed to exercise to remind his listeners of their ancient victories.[39] Memmius also made it clear that the struggle of the plebeians continued. Noble encroachment on the rights of the people must still be resisted.

As to the historical veracity of all this information, it is possible that the bare outline of the tradition may have been reliable. Basic facts such as military campaigns, defeats, triumphs, and certain political developments could have been preserved in various ways. The elaborate details were probably then fleshed out by later historians and orators like Livy and Cicero or their sources to further their own literary, political, and ideological agendas.[40] In some cases, details added to Rome's early history were lifted directly from events that occurred during the first century BCE or were skewed by late republican politics. However, for the purposes of this paper, it is not important if this early history was accurate, or even if it was entirely fabricated. What people in the forum

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[36] Cic. *Pro Cor.* fr. 48, fr. 49.
[37] Cic. *Aca.* 2.13.
[38] Sal. *Jug.* 27–34.
[39] Sal. *Jug.* 31.
[40] Rawson 1972, 33–35. Cicero for example often used historical *exempla* even when he had doubts about their veracity.

believed to be true was the key. This was real history as inherited by the Romans and understood by orators and audience. For these speeches to be effective, the people either knew about these *exempla* already, or were quickly informed about the relevant ancient history.

Therefore, citizens of first-century Rome would generally understand a number of important themes. First a long struggle had occurred in which plebeian soldiers were instrumental in using their power to gain increased political and social rights, demonstrating a close and ancient relationship between the army and politics in Rome. Second, political leaders in Rome and soldiers in camp exercised freedom of speech to advance their cause. Third, the people in the last century BCE had inherited these rights, most notably freedom of speech, but were still involved in a struggle against the nobles to preserve them.

3. Libertas *in the army*

Did any of the above information, however, find its way from the Roman forum to the Roman camp? Did the typical soldier in the army know about the history of the republic and the development of Rome's political system? What did the soldier know about the various rights and privileges, such as *libertas*, vested in Roman citizenship? What did he know about the contemporary political climate, for example the dramatic 'democratic' changes in the roles of the tribunes, tribal assembly, and the people during the late republic? What did they know about the concomitant rise in violence in Roman politics? In the early republic there apparently was a very definite link between political developments and the Roman army; did this link still exist during the middle and especially the late republic?

The backgrounds of Roman soldiers are of vital importance to answering the above questions.[41] In a few instances, soldiers were recruited from the city of Rome itself.[42] It is possible that these soldiers would have some knowledge of contemporary Roman politics and of Roman history. These facts could have been learned simply by attending *contiones* in the Roman forum. Speeches delivered by men like Memmius or even Cicero could serve to educate these citizens to their rights, powers and privileges. If they were at all politically active

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[41] Brunt 1971, 1988, 276–278; Gabba 1976, 1–69.

[42] Brunt 1988, 253–254.

they would have known that there was a division between 'optimates' and 'populares', that noble generals were to some extent their enemies, and that these generals were not allowed to deprive citizen soldiers of their rights. These rights included *libertas*, which among other things covered freedom of speech, valued both publicly and privately in Rome. Men from the city would take their knowledge and their rights into the Roman camp.

Given the above information, it should probably not be surprising that during the late republic there was often conflict between commanders and soldiers recruited from the city of Rome. For example, during the Social War, L. Porcius Cato (cos. 89) commanded an army of city-soldiers.[43] From the beginning, Cato's soldiers were unwilling to work hard or obey orders, and began to speak out against him. Cato called a *contio* to reassert control.[44] Instead, the soldiers attacked him at this assembly. Fortunately for Cato, the men were unarmed and pelted him only with mud. The soldiers may have already known Roman history and politics, which helped turn them against their general. If they did not they could have been educated quickly and easily by their officers in an effort to precipitate opposition to Cato. The leader of this brief insurrection was a certain C. Titius (or possibly C. Titinius Sisenna) a man who supposedly made his living as an advocate in the courts in Rome. This may point to some social standing and education. Titius was well placed and highly motivated to turn the men against the perceived tyranny of their commander.

Another example also occurred during the Social War later in 89. In that year A. Postumius Albinus (cos. 99) was commanding a legion of city-soldiers during a siege of Pompeii.[45] Albinus' family background

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43 Dio fr. 100. Here and elsewhere it will be necessary to provide a brief discussion of the military situation so that the factors which prompted the soldiers to speak out can be understood.

44 Hansen 1993, 161–180, 1998, 1–11; Pritchett 1994, 27–109; Polo 1995, 213–215; Ehrhardt 1995, 120–121; Clark 1995, 375–376. There has been much debate concerning if and how a general might give a speech immediately before battle. However, no one has questioned the veracity of the speeches which ancient sources tell us occurred at various times *within* the camp. Even Hansen, who has questioned the entire ancient tradition of the *battlefield* exhortation, agrees with the others that speeches did indeed take place inside Roman camps. This paper is concerned only with the speeches that were delivered at *contiones* in camp. Clark, using an episode from American history, demonstrates that speeches in pre-industrial settings to large numbers of people were entirely possible.

45 Livy 4.49–51, *Per.* 75; Plu. *Sul.* 6; Oros. 5.18; Val. Max. 9.8.3; Sumner 1973, 82–84; Hayne 1981, 61–70.

and previous career were certainly known to these men. The Postumii Albini had historically been opposed to the people and their interests. Albinus himself had a bad military reputation from his misadventures in the Jugurthine War.[46] His political actions in 100 and 99 against popular interests might also have led to ill feelings. The men he was assigned were possibly imbued with plebeian ideology and were not happy with the leadership style or the harsh discipline imposed by the noble legate. Almost immediately there were problems between Albinus and his men. The soldiers began to speak out against him, first privately and then out in the open. As more and more men spoke out, relations with their commander grew worse.

A serious threat to Albinus' command had developed. He called a *contio* in an attempt to quell the growing unrest. The soldiers gathered unarmed in the camp forum as Albinus mounted the tribunal to speak. The situation quickly turned violent. Having no weapons close at hand, the soldiers threw stones, killing their commander.

Altogether there are six known instances in which soldiers were recruited from the city of Rome during the late republic. In one case (63 BCE), the war ended quickly leading to the soldiers' immediate discharge.[47] In two others (49 and 43 BCE), the subsequent fate of the soldiers cannot be ascertained; though they were involved in the tumultuous period of the civil wars.[48] But in each of the three cases in which the soldiers from Rome served any length of time, there was serious trouble between commander and men.[49] The political awareness of the city troops, the transfer of popular *libertas* into the camp, the soldiers' assumption that their commanders were somehow responsible to them, and the soldiers' willingness to exercise freedom of speech by speaking out against their commanders, all may have led to trouble. This might help explain why soldiers were rarely recruited from Rome.

However, as is well known, most of Rome's soldiers did not come from the city. For example, Caesar's army in the Gallic Wars was drawn almost exclusively from Northern Italy.[50] What did these generally poor, rural Italian soldiers know about Rome's political heritage

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[46] Sal. *Jug.* 36–44
[47] Dio 37.35.
[48] Caes. *B.C.* 1.14; Cic. *Phil.* 10.21, *Fam.* 11.8.
[49] Ap. *B.C.* 1.82. Soldiers recruited in Rome in 83 mutinied against their commander L. Cornelius Scipio.
[50] Harmand 1967, 245–248; Brunt 1971, 166–203, 463–468; MacMullen 1984, 440–456.

and contemporary Roman politics? Certainly the upper classes of these regions were often Romanized.[51] For example, both Vergil and Livy were from Cisalpine Gaul, and Vergil would have been a contemporary of some of Caesar's legionaries.[52] On occasion, Roman political candidates campaigned in this region, presumably making speeches and meeting people.[53] So it is possible that the average citizens of Cisalpine Gaul may have learned something of the heritage of which they were now a part. Since Caesar's soldiers were supposed to be Roman citizens, some information may have trickled down to them.[54]

Yet it is more likely that these rural Italians learned their ancient history and contemporary political science only after they arrived in camp. The main source of this information was probably their officers. These men would usually possess the background that provided them with the necessary education both about Rome's past and about the contemporary political situation. The officers also possessed freedom of speech within the camp, as evidenced by the debates that took place within the *consilium* of the commander.[55] Even L. Aemilius Paullus expected his officers to freely provide their opinions.[56] The officers also certainly had the opportunity to talk with the men during routine camp business.

The officers would sometimes have the motivation to teach the men. First, they may have been attempting to change a commander's policies, either his military strategy or the conditions of service he imposed. Second they may have been attempting to gain popularity to advance their own career whether in camp or in Rome. Third, in extreme cases, officers may have been fermenting rebellion, either against a commander or against the state. To accomplish any of these things they would need the support of the men. To get this support they would need to find some justification or excuse to convince the men to follow them. Roman history and contemporary Roman politics often provided the necessary *exempla* to support their actions.

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[51] David 1994: 99–139.

[52] Walsh 1961, 1–19; Mellor 1999, 48–52. Livy may not have come to Rome until after 31 BCE, meaning much of his early historical education took place in Patavium. Those with the means and the inclination would have had the opportunity to learn at least something about Rome in northern Italy.

[53] Caes. *B.G.* 8.50; Cic. *Att.* 1.1, 1.2; Millar 1998, 189–190.

[54] Millar 1998, 207–208.

[55] Lackie 1997, 72–74.

[56] Livy 44.36–38.

There are numerous examples of officers speaking out in informal settings in camp. In some cases, the words spoken among the officers would be reported to the rank and file. In 216, M. Minucius Rufus, the Master of Horse, displeased with the nobility's prosecution of the Second Punic War in general and the strategy of the dictator Q. Fabius Maximus in particular, spoke out constantly in camp.[57] His words were addressed to the officers and cavalrymen but eventually came to the ears of the common soldiers. In other cases, officers would speak directly to individual soldiers or small groups of soldiers. In 108, C. Marius was serving as a legate in the army of Q. Caecilius Metellus during the Jugurthine War.[58] Marius wished to stand for the consulship. To that end he spent as considerable time with the average soldiers trying to become as popular as possible. He even urged the cavalrymen in the army to write to their friends back in Rome to support his candidacy. Later in Sallust's account, Marius made a speech to the people at a *contio* in Rome.[59] In it he castigated the nobility for their *superbia* and congratulated the people for exercising political *libertas* by defying the senate and electing a *novus homo* to the consulship. Certainly Marius could have used such rhetoric when he was conversing with the soldiers in camp. The next year, after Marius took command, Sulla was serving as his quaestor.[60] Though he was not trying to undermine his commander as Marius had done, he was trying to gain popularity with the men. Like Marius he did this by constantly moving around the camp and conversing with even the lowest-ranking soldiers on every conceivable subject. In 58, Caesar's men mutinied in Gaul rather than face the Germans of Ariovistus.[61] The trouble began among the officers and Caesar assures us they mutinied out of cowardice. Dio preserves another explanation. The officers believed Caesar was overstepping his bounds as proconsul because he had never received direct orders to enter Gaul, and because Ariovistus was still officially a Roman ally. It is possible that officers opposed to Caesar's plans informed the men of these constitutional problems. If they and others were indeed afraid of fighting the Germans, these constitutional questions could provide the suitable cover. Officers could even inspire religious concerns among the

[57] Polyb. 3.87–105; Livy 22.14–18, 23–30.
[58] Sall. *Jug.* 63–65.
[59] Sall. *Jug.* 84–85.
[60] Sall. *Jug.* 95–96.
[61] Caes. *B.G.* 1.39–41; Dio 38.34–47; Hagendahl 1944, 1–40.

men. According to Livy some of C. Flaminius' soldiers worried about the negative omens surrounding his campaign in 217.[62] Of course it was noble officers opposed to Flaminius politically who helped inspire these concerns.

Officers could also call together a large body of troops to deliver their message. In 87, L. Cornelius Cinna spoke to a legion at Capua after having been forced out of Rome by his consular colleague.[63] Cinna's speech was an appeal for support based on constitutional issues. He told the men he had been driven out of the city by the consul and senate and illegally deprived of the *fasces*. This violated popular sovereignty, rendering elections and the votes of the citizen assemblies meaningless. The action of the consul and senate was a direct violation of the people's, and therefore the soldiers' freedom. In 49, Caesar assembled his men to explain his reasons for embarking on the civil war.[64] He claimed that he was acting not for his own aggrandizement but to protect the rights of the people and their tribunes. They had extended his command and had agreed to let him stand for the consulship *in absentia*. A faction within the senate had ignored these decisions and even went so far as to override the veto of the tribunes, something even Sulla had never done. Caesar explained to the men that the senate's actions violated the people's *libertas*.

These various examples demonstrate the ease with which officers, if they were so inclined, could make regular contact with the men. If motivated they could have provided the soldiers with information about Rome's political heritage and current political situation to further their own ends. They could provide historical examples to justify their actions. In various circumstances officers encouraged the men to defend and exercise rights and powers inherited from the past and from contemporary Roman politics.

Even if the officers did not educate the men to the specifics of Roman history and politics, their practice of *libertas* within the camp provided an example for the soldiers. The men could often overhear the sometimes heated debates of the *consilium* in the *praetorium*.[65] They could watch an officer like Minucius in camp speaking out, against a dictator no less, critiquing his strategies and leadership freely, without

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62 Livy 22.3.
63 Ap. *B.C.* 1.65–66.
64 Caes. *B.C.* 1.7.
65 Lackie 1997, 68–70.

restriction or later punishment. This made it obvious to the soldiers that the commander did not posses absolute power within the camp, at least not in respect to freedom of speech. So even if they did not necessarily understand Roman history or contemporary politics or even the meaning of the term *libertas*, the soldiers saw freedom of speech in action. These types of examples may have inspired them to speak their minds as well, and employ *libertas* for their own ends.

Furthermore, there were apparently no restrictions, legal or otherwise, that might prevent the average Roman soldier from exercising freedom of speech in camp. All Roman soldiers swore the *sacramentum* when they were inducted into the army. Though the exact formula is unknown, this oath required the men to assemble when called by their commander, to obey their commander, to do nothing contrary to military law, and to neither desert nor disband until discharged.[66] Though it was essentially a very brief formula it covered many aspects of military behavior. Violations of military law meant the *sacramentum* had been broken, and soldiers could then be punished by numerous forms of discipline up to and including execution. Punishable offenses included those mentioned in the oath itself, such as disobeying orders and desertion. In addition there were further oaths which covered other crimes such as stealing from the camp.[67] However, the soldiers swore no oath that deprived them of their freedom of speech. Also, there was no known military law during the republic that restricted freedom of speech in camp or mandated any punishment of 'guilty' soldiers.[68] Nothing is found in Polybius or Caesar or even in Livy that indicates there was ever any formal or informal discipline imposed by a commander, lower ranking officers, or centurions on soldiers who were guilty merely of speaking their minds. Even later authors such as Frontinus and Valerius Maximus preserve no anecdotes of this type of military law in action. Not only was there no formal military law in place in camp, there were no informal traditions or customs which restricted free speech. In fact, quite the opposite was true. Roman political and military history dating back to the First Secession encouraged the exercise of free speech in camp, not just for the officers but also for the

[66] D.H 10.18, 11.43; Polyb. 6.21; Livy 22.38.
[67] Polyb. 6.35–38.
[68] Ruffus, *Military Laws* 17; *Corpus Juris Civilis* 20. Much later writers do speak of specific military laws to restrict freedom of speech in camp. Those guilty of participating in loud, disorderly meetings would be beaten and discharged. Those guilty of clamoring and complaining would be reduced in rank.

common soldier. There was nothing standing in the way of the soldiers and the exercise of *libertas*. L. Aemilius Paullus' efforts to crack down on *libertas* in camp were not only unprecedented but also possibly illegal.

The setting of the camp facilitated the exercise of *libertas* and with it free expression by the soldiers. The soldiers' tents were usually some distance from the tents of the commander and the officers in the *principia*, encouraging freedom of expression. There were open spaces next to the soldiers' tents, in which many routine duties were carried out. Since their tents were so small, the soldiers spent much of their time in those open spaces. It was here that the soldiers were talking, commiserating, complaining, and speaking out.

Initially the soldiers would discuss matters among themselves. They could and did express opinions on any matter pertaining to military service and army life. They expressed their views on the course of a campaign and debated, praised, or criticized the military strategies and tactics of their superiors.[69] Caesar relates an event from the Gallic War in which the soldiers were given orders to march at dawn by the legates L. Aurunculeius Cotta and Q. Titurius Sabinus.[70] The soldiers spent the rest of the night discussing these orders in and around their tents. After spirited debate it was decided that the orders were sound. They marched out when commanded. Sometimes, they did not agree with a commander's strategy. On one occasion they complained that a commander should take a certain hill, on another they complained when he gave up a certain hill.[71] Polybius tells us that Fabius' unwillingness to attack Hannibal brought the private condemnation of his men.[72] Livy relates a number of incidents in which soldiers expressed rage and indignation among themselves at the unwillingness of their commanders to lead them into battle.[73] There are examples of soldiers wishing that a commander would attack the enemy without further delay.[74] There are examples of soldiers being afraid of impending conflict.[75] Sometimes, rumors flew freely through the camp, exaggerating an already bad military situation. In Curio's camp in North Africa in 48 the soldiers' gossiping led to a deterioration of camp morale due

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69 Caes. *B.C.* 1.47.
70 Caes. *B.G.* 5.31.
71 Livy 27.26, 44.3–8.
72 Polyb. 3.89.
73 Livy 7.12.
74 Caes. *B.G.* 3.24, 6.36, *B.C.* 1.7, 1.64, 1.71, 1.72, 2.33, 3.6, [Caes.] *B.Af.* 82.
75 Caes. *B.G.* 1.39–31.41, *B.C.* 1.20, 2.29, 2.43–44.

to fear of a coming conflict with the Pompeians.[76] Even Caesar's men were not above these types of concerns. For example, the author of the African War relates that Caesar's soldiers were afraid since there was only a small force in Africa and because he had failed to inform them of his campaign plans.[77]

Soldiers often complained among themselves about the conditions of service that a commander imposed. For example Scipio's men at Sucro, Spain in 206, whispered among themselves that they had not been properly paid, had not been properly supplied, had not received a proper share of the plunder, and had been in service far too long.[78] Lucullus' men in 68 complained about the exact same problems, as well as harsh discipline and the horrible winter conditions they were experiencing while marching further and further into the Armenian Mountains.[79] Caesar's men had similar grievances as they marched around the Mediterranean during the Civil War.[80] Soldiers were sometimes concerned with bad religious omens. Crassus' men had religious concerns during their march into Parthia.[81] Soldiers even commented on the mood of their commander. The troops of Metellus debated the cause of his tears when he was replaced by the newly elected consul, C. Marius.[82] Some said they resulted from pride, others humiliation at being replaced by the new man, but the majority believed that they sprang from the disappointment over losing his command on the brink of victory.

4. *The dangers of a soldier's* libertas

As the above survey makes clear, the soldiers discussed literally anything concerning their military service. In every Roman army, on an almost continuous basis, this type of expression was prevalent. In some situations, situations which were becoming less and less exceptional as the republic progressed, freedom of speech among the men developed into something more. In some cases the opinions or grievances of the

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76 Caes. *B.C.* 2.27–43.
77 [Caes.] *B.Af.* 10.
78 Livy 28.24.
79 Dio 36.6; Plu. *Luc.* 32–34.
80 Plu. *Caes.* 37.
81 Plu. *Crass.* 19, 23.
82 Sal. *Jug.* 82.

men would come to be known by a commander and could alter his leadership of the army and his conduct of a campaign.

There were numerous formal and informal methods in camp that provided the soldiers an opportunity to express their opinions, not just among themselves, but directly to their superiors. For example, private discussions could often spread to larger and larger groups of soldiers. With the increase in numbers came the courage and confidence to express their opinions to their superiors, sometimes through the official chain of command. In camp, the presence of a chain of command and relatively easy access to their officers allowed the soldiers direct formal or informal contact with their superiors should they wish to express their opinions. It is well known that the commander issued orders to the military tribunes who then relayed these orders down through the ranks of the centurionate and eventually to the men. However it is rarely commented on that this system also worked in reverse.[83] The soldiers could express their concerns or grievances to their centurions and/or their military tribunes. These opinions would sometimes be relayed to the general back up the chain of command and could, on occasion, actually have some effect.

For example, in 49 Caesar's army was facing Pompeian forces led by Afranius and Petreius.[84] Caesar's men did not believe that he was prosecuting the campaign aggressively enough. They felt that his lack of action was unnecessarily prolonging the campaign. After discussing matters among themselves, they sent their military tribunes and centurions to Caesar to tell him that if he did not attack immediately, they would not follow him in the future. In another more positive example in Gaul, Caesar's men sent their military tribunes and their centurions to assure Caesar that they were willing to endure any toil necessary to defeat the enemy.[85] Livy describes similar incidents from Rome's early history.[86] During a war with Veii, the soldiers were urging their commander to lead them against the enemy. They used the *primus pilus* as an ambassador to inform their commander of their wishes. In 206, Scipio's soldiers at Sucro asked their military tribunes to present their grievances to their commander at New Carthage.[87]

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83 MacMullen 1984, 440–456.
84 Caes. *B.C.* 1.64, 71–72.
85 Caes. *B.G.* 7.17.
86 Livy 2.45–47, 7.12–13.
87 Livy 28.24.

In some cases the soldiers' opinions were 'discovered' by their superiors. This meant either the centurions who lived and worked in close proximity to the men, or the military tribunes. For example, in 342 military tribunes learned that their soldiers were holding secret meetings, and reported it to their commander.[88]

Caesar relates an incident, which illustrates both 'discovery' and the formal chain of command. In 58 his soldiers spoke out against Caesar's plans to attack Ariovistus and the Germans.[89] Centurions and military tribunes brought Caesar this information and told him that the men would refuse to march against the Germans. Caesar reacted quickly, calling a *consilium* of his centurions to explain why the Romans would be victorious and why they should trust and remain loyal to their commander. This information was then relayed to the men who accepted Caesar's arguments. The soldiers then sent their military tribunes and *primi ordines* as their envoys to assure Caesar they were ready to fight.

Sometimes, rather than going through the formal chain of command, the soldiers confronted their commanders directly. This could occur when a commander toured his camp, it could occur while the army was on the march, or it could happen if the soldiers went directly to the *praetorium*.[90] These efforts would not always be negative. Often the soldiers would offer words of encouragement or demonstrations of their loyalty. The campaign of Curio in North Africa provides an example.[91] His officers feared that the men were unwilling to fight. However, his soldiers confronted him and urged him to lead them into battle without delay. Soldiers also accosted their commanders on other matters. A soldier serving in Marius' army in North Africa discovered a path that provided a short cut to the enemy.[92] When he returned to camp he bypassed his centurions and military tribunes and went straight to Marius to inform him of his discovery. When Pompeius received a dispatch in camp, his soldiers clamored that it immediately be read out to them.[93] Another interesting example occurred in 47.[94] After Caesar discharged mutinous soldiers from his army, they crowded around

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[88] Livy 7.38.
[89] Caes. *B.G.* 1.39–41.
[90] Caesar was one of the few commanders who toured the camp on a regular basis.
[91] Caes. *B.C.* 2.29–33.
[92] Sal. *Jug.* 93–94.
[93] Plu. *Pomp.* 41.
[94] Ap. *B.C.* 2.92–94.

him begging for an opportunity to return to his good graces and purge their guilt. They demanded punishment for their transgressions. Caesar allowed the men to return to service without imposing discipline.

However, direct confrontations between soldiers and commanders did not always end so well. Many negative exchanges occurred when soldiers were opposing the will or strategy of a commander. There are numerous examples in which soldiers demanded to fight. The men of Fabius derided his delaying tactics and clamored for battle.[95] Soldiers often demanded their inadequate or overdue pay. Pompeian soldiers in Spain in 49 were typical.[96] As noted above, though the soldiers began by whispering and talking among themselves, this would often progress to outright confrontation with their superiors. Scipio's soldiers stationed at Sucro in 206 complained about various grievances.[97] They then attempted to enlist their military tribunes to intervene on their behalf with Scipio who was at New Carthage. When the military tribunes refused, the soldiers began accosting and abusing them in camp. Eventually the soldiers broke into open mutiny and drove the military tribunes out of camp.

Sometimes these incidents resembled impromptu, unofficial camp *contiones* organized by the soldiers themselves. In these cases the men would gather together in large numbers, a soldier or soldiers would mount a makeshift tribunal, sometimes nothing more than a mound of turf, and speak out on various subjects about which they were concerned. These unofficial *contiones* could take place in around the soldiers' tents. Sometimes these unofficial *contiones* were held in the center of camp, in or near the *praetorium*, often with the intention of intimidating the commander. For example, in 68 Lucullus' soldiers, upset over various policies of their commander, began holding unauthorized *contiones* to voice their displeasure.[98] This got the attention of their commander.

Soldiers could also make their opinions known at official *contiones*.[99] *Contiones* played an important role in the Roman army and were in fact

[95] Livy 22.15, 23.
[96] Caes. *B.C.* 1.87.
[97] Livy 28.24.
[98] Plu. *Luc.* 32.
[99] While a commander was in camp only he or someone he designated could convene an official *contio*. In a typical *contio*, a trumpeter would sound the signal for assembly and the soldiers would gather, often unarmed but in battle order, in the camp forum. The commander then mounted the raised tribunal (the camp rostra) between

an important link between the Roman citizen in the forum and the Roman soldier in camp. The same term was used for political and military assemblies and the camp included specific features which recalled the political landscape of Rome, most notably a forum and a rostra. The structure and purpose of the *contio* in both the Roman forum and the camp forum was often the same. The commander was on the rostra in the camp forum attempting to convince a group of Roman citizens to do certain things. The soldiers expected to be informed about the state of the campaign, and expected to have some influence in their commander's policies by voicing their opinions. Discussions among the soldiers and the development of opinion would sometimes lead to free expression at these meetings. They could cheer, or voice their approval. They could remain silent as a sign of respect. They could speak directly to their commanders on the tribunal. They could jeer the speaker, and even drown him out by shouting their disapproval. They could remain silent or wander away from the meeting to show their displeasure. The soldiers could also resort to violence at *contiones*, attacking and even killing their commander. This was occurring with ever increasing frequency in the late republican camp. In short, the camp *contio* could become an important expression of *libertas*.

There are many relevant examples. In 49, when Caesar called a *contio* to justify his crossing of the Rubicon and secure his men's support, legion XIII responded with approval.[100] They shouted out that they would follow him into Italy. In other *contiones* things did not go so smoothly. In the case of the unlucky C. Flavius Fimbria in Asia in 85, the soldiers refused his entreaties to fight the legions of Sulla.[101] Instead, they simply departed the camp forum and eventually the camp, leaving Fimbria to his fate.

Free expression by the soldiers sometimes forced their commanders into courses of action they did not desire. At various times in Roman

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the *praetorium* and the camp forum. Sometimes his officers accompanied him, on other occasions he was alone. The herald would call for silence, and the commander could then speak on any matter concerning the army. The *contio* could serve as an opportunity to offer encouragement to the men, reward them for previous service or to scold them for poor performances depending on the situation. At the *contio* the commander could beg, plead, cry, tear his clothes, or even jump into the crowd. He could try and cow the men with threats. A commander could issue orders directly to the men at the *contio* and inform them of campaign strategy. In some cases he would explain the reasoning behind these orders.

100 Caes. *B.C.* 1.7.

101 Ap. *Mith.* 59–60.

history, triumvirs, quaestors, legates, proconsuls, and even dictators were forced to change their policies due to the efforts of their men. For example, in 53, Crassus called a *contio* to convince his men to follow him out of Parthia.[102] They refused and instead demanded that he negotiate with the Parthians leading to dire consequences. In the last year of the Gallic War, Caesar's men demanded that he execute Gutruatus, a Gallic chieftain who they believed was partly responsible for precipitating the Gallic rebellion.[103] To affect this, the soldiers formed a large crowd around Caesar. Due to their pressure, Caesar was forced to execute the Gaul against his will.[104] As noted above, in 49, Caesar's men desired an attack on Pompeian forces before they were allowed to escape.[105] At first the soldiers discussed matters among themselves and then sent their military tribunes and centurions to Caesar. Later the soldiers accosted Caesar directly and threatened that if he did not lead them against the enemy, they would refuse to follow him in the future. Caesar feared to lose their support and feared the damage to his reputation should he refuse to give battle. Not surprisingly Caesar decided to fight and defeated the Pompeians. In North Africa in 46 Caesar's men were concerned that the mercy he was showing to the Pompeians was unnecessarily prolonging the war. Therefore at Thapsus, his men forced Caesar into battle before he was ready.[106] After the battle, the soldiers massacred the Pompeian survivors against Caesar's wishes.

As already noted above, in some extreme cases, freedom of speech among the men would lead to dramatic or even violent incidents within the camp as the men attempted to change a commander's policies. The freedom of speech exercised by the soldiers could even develop directly into a mutiny against a commander. In some of these incidents, the soldiers removed a commander through assassination or removed themselves through desertion. In 89, Cato and Albinus were both attacked at *contiones*.[107] In 84, L. Cornelius Cinna was assassinated on his way to a

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[102] Plu. *Crass.* 30.

[103] Caes. *B.G.* 8.38.

[104] Caes. *B.G.* 8.38. This story may simply be an attempt by Caesar to lay the blame for the execution on his men. However, the idea that soldiers can intimidate a commander even one as strong as Caesar and influence his course of action must be believable for the story to be acceptable to Caesar's audience.

[105] Caes. *B.C.* 1.64, 72.

[106] [Caes.] *B.Af.* 82–83. The author of the African War does not obscure the fact that Caesar was forced by his men to fight the battle which, despite his misgivings, resulted in victory.

[107] Dio fr. 100; Livy *Per.* 75; Val. Max. 9.8.3; Plu. *Sul.* 6; Oros. 5.18.22.

contio.[108] Fimbria's soldiers deserted.[109] Ultimately these types of threats could sometimes force a commander to heed the wishes of his men.

In a number of cases, the efforts of the soldiers did more than alter the course of a particular campaign. An example from the Third Mithridatic War demonstrates the continuing close relationship between the camp and political developments in Rome, the continuation of the struggle between the people and the nobility, and the importance of the exercising of *libertas* by the soldiers to gain their objectives. This incident also helped change the course of Roman history.

To understand the event it is necessary to understand the context in which it occurred, so a brief description of the campaign is necessary.[110] In 68, L. Licinius Lucullus was commanding Roman armies in the east and had already scored numerous victories over Mithridates VI of Pontus and his son-in-law/ally King Tigranes of Armenia.[111] However, he was unable to capture either king and bring the war to a successful conclusion. As the war dragged on, opposition to his extended command increased in Rome and in camp. Asia and Cilicia were removed from his control. Lucullus realized that his time was running out and that he needed to force Tigranes and Mithridates into a decisive battle. He decided to lead his army against the two kings in mid-summer 68. Although he won another victory over Tigranes and Mithridates at the Arsanias River, neither king was captured. Both fled further east to Artaxata. Lucullus followed, but the march became arduous, and supplies began to run out. Winter set in much earlier and much more severely than expected. According to Plutarch's description, snow, sleet, and constant dampness plagued Lucullus' men.[112]

Two of his legions, known as the Valerians or Fimbrians, had numerous, long-standing grievances, which included harsh discipline, unfair division of plunder, and spending winters, encamped.[113] Their problems were aggravated by the difficult march and by rumors of a possible Parthian campaign. The soldiers began to speak, at first in private

[108] Ap. *B.C.* 1.76–78; Plu. *Pomp.* 5.

[109] Ap. *Mith.* 59–60.

[110] Plu. *Luc.* 7–37.

[111] Plu. *Luc.* 33–35.

[112] Dio 36.6; Plu. *Luc.* 32.

[113] Livy 3.55. Lucullus felt that any concession to the soldiers would result in a diminution of his own power. This belief mirrors comments made by Livy's noble politicians during the Conflict of the Orders and may be part of first-century political rhetoric.

meetings.[114] They then began to hold unauthorized *contiones* out in the open. They argued that there was no foreseeable end to their labors. Even victory and a safe return would mean little economic benefit for them. Their reward would be guarding the camels carrying Lucullus' plunder.

A number of officers, including military tribunes and at least one legate P. Clodius Pulcher (trib. 58), eventually joined with the men in these meetings.[115] According to Plutarch, Lucullus did not get along well with the men of his staff, even those of equal social rank. They may have had grievances similar to the soldiers' concerning harsh discipline and unfair division of plunder. Some may have wished to end the difficult march to Artaxata. Others may have wished to ingratiate themselves with the soldiers, or with Lucullus' enemies in Rome, with popular leaders like L. Quinctius and the tribunes, or senatorial opponents such as Pompeius. These officers could have been agents providing information to friends back in Rome while at the same time contributing to Lucullus' loss of control in the east.

Whatever the case, the officers provided contemporary political news from Rome as well as valuable history lessons. The officers knew popular leaders in Rome were attacking Lucullus' continued, extended command. They knew that these popular leaders were trying to strip Lucullus of his provinces and army, and possibly hand them over to Pompeius. These activities in Rome made Lucullus' command less secure. This would encourage them to undermine Lucullus' control over his army by passing this information on to the soldiers. Not surprisingly, the rhetoric of the officers in camp was very similar to that of Lucullus' political enemies in Rome. The officers claimed that the Pompeius' soldiers were now retired comfortably in Italy with their families on their farms, enjoying the spoils of their efforts while Lucullus' soldiers trudged around the east. This luxurious retirement was made possible by the *lex Plotia Agraria* which had been passed with the support of Pompeius.[116] Would Lucullus have done anything similar?

The officers could also educate the soldiers about Rome's political heritage, specifically, the ancient struggle between plebeians and patri-

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114 Plu. *Luc.* 32–34.

115 Plu. *Luc.* 33–34; Dio 36.14. Clodius was known among the men as 'the soldiers' friend'.

116 Smith 1957, 82–85. Of course this picture of Pompeius' happy veterans was exaggerated. The *lex Plotia*, passed in 70/69, had not been implemented because of political opposition.

cians during which the plebeians were able to curb the power and *superbia* of the patricians and acquire important rights. Now, Roman citizen-soldiers were again having their rights infringed by a prototypically haughty noble. He imposed unfair discipline and division of plunder, he forced them to spend winters under canvass, he pushed them into war after war, and now he was marching them further and further east into more difficult campaigns. Lucullus was prolonging the war to continue to exercise control over provinces and army, and in the process increase his own fortune. Lucullus was trampling their rights because of his greed and ambition. Yet the provinces and army which he commanded were not his personal property. They were the possessions of the Roman people.[117] This continued infringement by a noble senator of popular rights in Rome and in camp could not continue. It was now time for these Roman citizen-soldiers to stand up for their rights, as their ancestors had often done, and challenge Lucullus' oppressive policies. Can we not imagine the future tribune Clodius joining in such conversations?

The legions decided to send their military tribunes as envoys to convince Lucullus to end the expedition against Artaxata.[118] When Lucullus refused to listen, they broke into open mutiny, refusing to continue the march. They held tumultuous, unauthorized *contiones* to demonstrate their unhappiness, and 'shouted all night in their tents'. Lucullus called an official *contio* to speak personally to the men.[119] He exhorted them to have patience until they were able to storm Artaxata, the 'Armenian Carthage', built by King Artaxes supposedly at the behest of Hannibal Barca. It would be glorious to once again defeat Rome's greatest enemy. His eloquence went unheeded.

Lucullus discovered at the assembly that he had no choice but to discontinue his march and return south to warmer weather. To prevent a total strategic failure, he proceeded to capture the important Armenian city of Nisibis and wintered there in 68/67.[120]

This change of Lucullus' strategic plans by disobedient soldiers had developed from the soldiers' right to speak freely. Their private complaints evolved into mass meetings and eventually mutiny. Because of the men's unwillingness to fight, Lucullus was unable to bring the Third

[117] Millar 1998, 76–93.
[118] Plu. *Luc.* 32.
[119] Plu. *Luc.* 31.
[120] Dio 36.6; Plu. *Luc.* 32.

Mithridatic War to a successful conclusion. This led directly to Pompeius' extraordinary command under the *lex Manilia*. Before 66, Pompeius had defeated fellow-citizens in the civil war, Q. Sertorius in Spain, the slaves under Spartacus, and the Cilician pirates. The *lex Manilia* gave him an opportunity to win real glory against foreign enemies in the east. By 62, he had added new provinces and wealth to Rome's empire. He had become Rome's richest man and its most famous general. His return to Italy after these great victories helped precipitate the formation of the First Triumvirate and the rise of Caesar. The exercise of *libertas* by Lucullus' soldiers in camp had contributed to this momentous chain of events.

5. *Conclusion*

I have tried to put forward a number of important points concerning the Roman Republican army and freedom of speech. I believe that Roman soldiers, no matter their place of origin, did learn something about Roman history and contemporary Roman politics, either before or after they were inducted into the Roman army. As part of this education, at some point, they learned about *libertas*. This *libertas* was exercised, consciously or not, by every soldier in every Roman army, as the soldiers voiced their opinions on literally anything to do with their military service. On some occasions, their opinions were expressed to their superiors either formally (through the proper chain of command, or at *contiones* called by a commander), or informally (speaking out in the open spaces around the tents, organizing impromptu, unauthorized *contiones*, or even confronting superiors directly). Though these rights were passed from Rome to the camp, in camp they were expanded. Specifically, in some situations, the soldiers had more power in camp than their fellow-citizens had in Rome. The soldiers numbered in the thousands, were already well organized, and were bound together by a sacred military oath. Of course, they were also armed. All of these factors meant that on some occasions, under the right conditions, the soldiers could indeed use *libertas* to effect real change. In the process, they sometimes altered the course of various campaigns and, in a few instances, the course of Roman history.

As to L. Aemilius Paullus and the events of the Third Macedonian War, it appears he was able to prevent freedom of speech among his soldiers. Though his soldiers did not cause any overt problems during

the campaign, they would cause him embarrassment later in Rome.[121] When the time came to decide if Paullus should be granted a triumph, thousands of his soldiers and even some of his officers came forward to speak against their old general. Both Plutarch and Livy assure us that the greedy soldiers were upset because Paullus had denied them a large share of the plunder. However it is possible that the soldiers were also bitter that one of their most important and fundamental rights as citizens, the right to freely express their opinions in public and in private, had been suppressed.

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[121] Livy 45.35–39.

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CHAPTER SIXTEEN

SPEAKING BEFORE SUPERIORS: ORPHEUS IN VERGIL AND OVID

Victoria Pagán

1. *Introduction, with a Modern Touchstone*

In 1999, after nine years of exile, Salman Rushdie published *The Ground beneath her Feet*, a brilliant remaking of the Orpheus and Eurydice myth. It is a love story of the Eurydicean Vina Apsara, a beloved pop star swallowed by the earth in a devastating earthquake, and the Orphic Ormus Cama, the extraordinary songwriter and musician, who, never accepting her death, spends his life in search of her. At times, the voice of Ormus Cama blends imperceptibly with the voice of Rushdie, creating a novelistic perception of the author's experience, often couched in terms of the Western Classics (for example, Ormus writes an autobiography entitled *The Trojan Horse*). Toward the end of the novel, Ormus reminisces about one of his last nights with Vina before she died in Mexico. Their conversation turns to religion and belief in gods; the free indirect discourse is suddenly punctuated by a paragraph in parentheses (*The Ground beneath her Feet*, 458):

> (All this and probably more, I permit myself to say. I have not spoken like this, so exhaustively, so unrestrainedly, in a long time. And I repeat, I do not believe in hubris, the crime of thumbing your nose at the gods, and therefore I also do not believe in the coming of Nemesis. But I have sworn to tell everything and so I must also say that before what happened happened, I made these, in the eyes of believers, no doubt injudicious remarks.)

The parentheses effectively extract these words from the context of the novel's conversation and force a startled reader to consider the possibility that the author is speaking *in propria persona*. In this aside, Rushdie finally allows himself to regain the courage to write freely, after all he has suffered. It is a confession of his convictions, an *apologia* for his *Satanic Verses*. Yet, the immediate antecedent of the pronoun 'I' in the parenthetical statement is, of course, the Orphic character Ormus. Rushdie comprehends full well the power of the myth as a medium for the artist's sense of 'thrilling gain … as well as aching

loss' (441). This is not the only example of a modern poet-author who turns to the myth of Orpheus and Eurydice to convey a message about freedom of expression.[1] This use of the myth, as an idiom for articulating anxieties about freedom of speech, derives ultimately from the Roman treatments by Vergil and Ovid.

I argue that the myth of Orpheus and Eurydice with its preoccupations with voice, song, and poetry, is an incarnation of the dangers one faces when speaking before one's superiors. When making a request from someone in a position of higher authority, the speaker must appropriately adjust his language to accommodate the circumstances of the particular situation so as to obtain his goals. Such speech is not restricted or prohibited, rather, it is inflected by the unequal relation of power that exists between speaker and addressee.[2] For writers, both ancient and modern, the myth of Orpheus and Eurydice provides an opportunity to explore the problems that inequality of status raises for freedom of expression, both within the context of the works composed, and metapoetically, as the authors comment (whether directly, indirectly, or perhaps even subconsciously) upon their own conditions of literary production.

The accounts at the end of the *Georgics* and the beginning of *Metamorphoses* book 10 are fundamentally similar, save for one bold difference: Ovid includes Orpheus' plea to the gods of the Underworld (10.17–39).[3] In just twenty-three lines of direct speech, Orpheus is able to persuade the gods to grant an unprecedented request: the return of Eurydice from Hades. In his commentary on *Metamorphoses* books 6–10, William

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[1] In McGrath 1999, Rushdie connects the myth of Orpheus with his own exile: '… what I set out to do was write a love story. And I think why I wanted to do that is that one of the reasons I've survived for the past ten years is because of the love that I've been shown …' On the Orpheus poems of the twentieth-century poet Gottfried Benn, see Theweleit 1985.

[2] Cicero's *Pro Marcello, Pro Ligario*, and *Pro Deiotaro*, the last two delivered before Julius Caesar as sole judge in private chambers, effectively demonstrate the permutations that speech undergoes when delivered before a dictator; see Gotoff 1993, xxx; Levene 1997, 67–77. They also prove that the problems of free expression in oratory existed well before the establishment of the Augustan principate. The commonly accepted line of demarcation between the Republic versus the Empire, first sketched by Tacitus in the *Dialogus* (and restated by Dio 53.19), should be seriously reconsidered. For Cicero's own opinion of the *Pro Marcello*, see *Ad Fam.* 4.4.3–4 (to Sulpicius); on his final two forensic speeches, see *Ad Fam.* 6.13, 14 (to Ligarius) and 9.12 (to Dolabella, on the *Pro Deiotaro*).

[3] For a comparison of the structure and narrative modes, see Perutelli 1995, who argues that Ovid corrects the text of Vergil, in an attempt to distinguish himself from his predecessor.

Anderson remarks of these lines: 'Whereas Vergil prudently avoided the challenge of reproducing the ineffable song by which Orpheus conquered death, Ovid deliberately contrives a pompous, unconvincing speech, full of witty sophistication, devoid of true emotion'.[4] Ten years later, Anderson compared the two poems in a full-length article, calling Ovid's Orpheus 'a third-rate poet-orator', and the song to Hades, 'cheap, flashy, and specious'.[5] Vergil restrains himself from attempting such a display, and so he cannot be criticized for failing as Ovid can. But I prefer to think of Ovid's display in political and not just aesthetic terms: Vergil plays it safe; Ovid takes a risk. Perhaps, in 10.17–39, Anderson objects to what Ralph Johnson thoughtfully recognizes as that 'counter-classical' feel, the attention to possibilities of disharmony, weakness, and limitation, as opposed to the order and balance—the μηδὲν ἄγαν—that characterize traditionally 'classical' poetry.[6] Excess, so easily attributed to a lack of control or simply bad taste, has meaning too.

By expanding upon the myth and writing it larger than his predecessor, Ovid supplements Vergil's endeavor at the end of the *Georgics*. In Vergil's rendition, the unwritten song of Orpheus triumphs over death, but still the poet fails tragically, losing Eurydice forever. Thus Vergil adumbrates the duality of poetry, namely, the achievement as well as the failure of artistic representation. But by writing Orpheus' speech into his poem, Ovid takes the myth one step further, questioning the position of the poet *vis-à-vis* his superiors and the way that position is articulated. Rather than reconsider the shortcomings of Ovid's speech, I propose to examine the rhetorical stance of Orpheus' request in *Metamorphoses* 10.17–39. The treatment of the myth in the *Georgics* is a ready starting point (section 2), but comparison with the *Georgics* alone continues to be unsatisfying (section 3). So I shall draw on *Eclogues* 6 and 10 to help elucidate Ovid's agenda in the twenty-three-line speech of Orpheus (section 4). We shall see that in 10.17–39, Ovid makes palpable the problem any poet faces: how to speak before one's superiors.

[4] Anderson 1972, 475.
[5] Anderson 1982, 40.
[6] Johnson 1970.

2. *Vergil's Orpheus*

Vergil embeds the myth of Orpheus in the end of *Georgics* book 4, a treatise on bee-keeping. He explains how to generate a new swarm of bees from the putrefied carcass of a young bull (4.281–314), then relates an *aition* for this Egyptian practice. The bee-keeper Aristaeus lost his swarm to sickness and hunger and prayed to his mother, Cyrene the Nymph, for help (4.315–332). She tells him that the seer Proteus will know why he lost his swarm (4.387–414). Cyrene accompanies Aristaeus to the prophet's cave, and Aristaeus binds the shifty Proteus and begs him to reveal the reason for his misfortune (4.415–452). Proteus explains that Aristaeus had once pursued Eurydice, who accidentally stepped on a serpent while trying to escape his aggressive advances. She died and her husband Orpheus grieved vehemently in song so magical that he was able to charm his way into the Underworld, a place that instilled great fear (4.467–470):

> Even the jaws of Taenarus, the deep mouth of Dis and the grove shrouded with dark terror he entered, and he approached the shades and the king of terrors, and the hearts that do not know how to soften at human prayer.
>
> Taenarias etiam fauces, alta ostia Ditis
> et caligantem nigra formidine lucum
> ingressus, manisque adiit regemque tremendum
> nesciaque humanis precibus mansuescere corda.

Everything about the Underworld, from its dank entrance to its fearsome ruler, evoked terror and trembling. But Orpheus met this fear with song so powerful that it held the Underworld spellbound (*stupuere domus*, 4.481); Cerberus stopped barking and Ixion's wheel stopped turning. He was able to regain Eurydice and lead her back to the upper world. As she followed behind in his footsteps, he was not to look upon her until they reached the land of the living, 'for Proserpina had given that condition', (*namque hanc dederat Proserpina legem*, 4.487). This is the only indication we are given of an exchange between the bereft Orpheus and the ruler of the Underworld. And it is ironic that Orpheus fails to obey this one, single injunction. On the ascent, he is seized by an uncontrollable passion to look at Eurydice (4.488) and stopping on the very threshold of light—in a 'no-man's land' between life and death—he looks back (4.485–491):

> And already retracing his footstep he had avoided every pitfall, and Eurydice regained continued toward the upper world, following behind

(for Proserpina gave this injunction), when suddenly a madness seized the heedless lover, indeed, a madness to be forgiven, if the Shades knew how to forgive. He lingered, and upon his own dear Eurydice there on the very threshold of light, unmindful, alas and defeated in his purpose, he gazed back.

iamque pedem referens casus evaserat omnis,
redditaque Eurydice superas veniebat ad auras
pone sequens (namque hanc dederat Proserpina legem),
cum subita incautum dementia cepit amantem,
ignoscenda quidem, scirent si ignoscere Manes:
restitit, Eurydicenque suam iam luce sub ipsa
immemor heu! victusque animi respexit. …

He turns to look upon the object of his desire, upon that which inspires his song. As soon as he sees her, he loses her forever. But by looking back at her he also gives her voice. For it is only after she is irretrievably lost that she is able to speak for herself in Vergil's poem. Only then does she cry out to Orpheus (4.494–498). Then Vergil deploys a familiar Homeric metaphor: 'She spoke, and like smoke mingling with thin air, she suddenly vanished from his sight' (*dixit et ex oculis subito, ceu fumus in auras/ commixtus tenuis, fugit diversa*, 4.499–500). As the specter of Patroclus haunted Achilles in a dream, demanding burial then vanishing like smoke (*Iliad* 23.69–101), so Eurydice vanishes like smoke mingling with thin air. It was an image to which Vergil would return with even greater pathos in the *Aeneid*, and one with which his epic successors would continue to engage, with varying degrees of success.[7]

The music of Orpheus may charm, but it cannot conquer. In that backward glance, his deepest loss is felt all over again (*rapta bis coniuge*, 4.504) and his greatest fear is realized. In the silence, he is powerless in the face of death: *quae numina voce moveret?* (4.505). Orpheus' grief returns anew and he mourns for seven months, singing songs in his sadness that charm tigers and bend oaks. He scorns the affections of the Thracian women, who in their resentment tear him limb from limb and scatter him across the fields; his head floats down the Hebrus River, crying 'Eurydice'. Thus Proteus finishes the story, and Cyrene then explains to Aristeaus the process for regenerating a swarm of bees.

[7] Verg. *A.* 2.791–794, 5.740, 6.700–702; Ovid *Met.* 14.824–825; Lucan 3.8–35; Silius 10.577; Stat. *Theb.* 2.102–119, 12.187–193.

3. *Ovid's Orpheus*

Rather than embed the story in an *aition* at the end of a poem as Vergil does, Ovid gives the myth of Orpheus pride of place at the beginning of book 10, following the tale of the marriage of Iphis and Ianthe at the close of book 9. Vergil's Eurydice is pursued by Aristaeus and bitten by a snake. But Ovid's Eurydice wanders the meadows (10.8–10) when she meets her demise. And unlike Vergil's Orpheus who in his grief eventually finds his way to the Underworld, Ovid's Orpheus is much more purposeful in his descent to retrieve his wife—*est ausus descendere*, he dared to go down to Styx by way of the Taenarian gate (10.13).[8]

Taking the speech line by line, we begin with a hymn-like invocation to the deities and an epithet (10.17–18):

> Thus he spoke: Divinities of the world which lies beneath the earth, to which we all, whoever are of mortal birth, fall back …
>
> sic ait, o positi sub terra numina mundi,
> in quem reccidimus, quidquid mortale creamur …

But instead of deploying the traditional hymnic formula and recalling the past favors of the gods, Orpheus establishes the conditions for his speech (10.19–20):

> If it is permitted and you allow me to speak the truth, with the riddles of a false mouth set aside …
>
> si licet et falsi positis ambagibus oris
> vera loqui sinitis …

Orpheus is careful to distinguish truth from falsehood, trapped as he is in the paradox of having to ask permission only after he has already begun speaking. Expression of the anxiety that poetry is inherently false first found voice in Hesiod's *Theogony*.[9] The Muses approached Hesiod to initiate him as a poet. They rebuked him, then said (27–28):

> We know how to say many lies that are like unto the truth,
> and we know, when we wish, how to speak true things too
>
> ἴδμεν ψεύδεα πολλὰ λέγειν ἐτύμοισιν ὁμοῖα,
> ἴδμεν δ ', εὖτ' ἐθέλωμεν, ἀληθέα γηρύσασθαι.

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[8] Cf. the contest for Andromeda between Perseus and Phineus; Phineus comes to retrieve his bride but acknowledges Perseus' superiority in a highly deferential speech, *Met.* 5.210–222.

[9] See Smith 1997, 152–153.

With the phrase *positis ambagibus oris* Orpheus proposes, in Hesiodic fashion, to set aside the deceptive power of poetry.

Furthermore, line 19 of the request is reminiscent of a line from the *Fasti* (1.25): *si licet et fas est*. The use of the phrase in the exact same metrical position here in the *Metamorphoses* points us to the theme of speech regulation which Denis Feeney conclusively demonstrates is a central preoccupation of the *Fasti*. From the etymology of the title of the poem (*dies fasti*, 'days on which it is permitted to speak') to its abrupt ending, the *Fasti* 'shows a diverse interest in the regulation of speech and the occasions of speech'.[10] For instance, the Republic is founded by Brutus, who dares to speak the unspeakable (*Fasti* 2.849–850: *Brutus clamore Quirites / concitat et regis facta nefanda refert*). In addition, several episodes in the *Fasti* confirm that the act of speaking out of turn can have grim consequences. The most striking feature of the poem celebrating the Roman calendar is its termination after only the first six months of the year, which can be explained in any number of ways; however, one must seriously consider the possibility that Ovid deliberately chose to stop before undertaking the task of writing about the months that honor Julius Caesar and Augustus, before saying things he would rather not. As Feeney puts it, the silent second half of the poem has as much to say about the principate as the vocal first half.[11] The repetition of the phrase *si licet* recalls the themes of the *Fasti* and supports the interpretation of an Orpheus who is quite attentive to the rules of speaking.

Next follows an elaborate tricolon, in which the first two negative elements contrast with, and thereby underscore, the third (10.20–24):

> I have not come down here to see dark Tartara, nor to bind the three necks of Medusa's monstrous offspring, rough with serpents. The cause of my journey is my wife into whom a trodden serpent shot his poison and stole the best years of her life. …

> … non huc, ut opaca viderem
> Tartara, descendi, nec uti villosa colubris
> terna Medusaei vincirem guttura monstri:
> causa viae est coniunx, in quam calcata venenum
> vipera diffudit crescentesque abstulit annos.

[10] Feeney 1992, 12. Newlands 1995, 10, 19, 175–208 expands upon Feeney's argument with further demonstrations of the preoccupations with speaking in the poem. See also Newlands 1997, 74, on the use of the phrase *si fas est* in *Tr.* 3.

[11] Feeney 1992, 19. Feeney senses a premature end to the *Fasti*; on the other hand, Barchiesi 1997, 177, 266, 268 reads 'paradoxical' signs of closure at the end of book 6.

In contrast to the epic, heroic causes of Aeneas, come to consult the dead, or Hercules to bind Cerberus, Orpheus emphasizes the merely mortal, indeed elegiac, reason for his journey to the Underworld.[12] At this point he is unaware that his journey, too, will eventually become legendary. Instead, he presents himself as a weaker figure than Aeneas or Hercules, emphasizing not any brave deeds but his own shortcomings, for he has longed to endure his suffering, but he is unable (10.25–26):

> I have wanted to be able to endure the suffering, and I will not deny that I have tried, but love has conquered.

> posse pati volui nec me temptasse negabo:
> vicit Amor.

Vicit Amor, the sentiment that love is omnipotent, recalls Vergil's tenth *Eclogue*, in which the poet Gallus mourns for his absent mistress Lycoris in a dirge of endless hopelessness, concluding with the memorable hexameter: *omnia vincit Amor: et nos cedamus Amori*, 'Love conquers all; let us also yield to Love' (*Ecl.* 10.69). In his commentary on the *Eclogues*, Servius states that 10.46–69 were taken in some way (*translati*) from Gallus' own elegiac poems. I shall have more to say about Gallus shortly (section 4).

Continuing with the speech, Orpheus then wonders whether this god of Love, so well known above, is also recognized in the Underworld. Surely *Amor* has some influence, since *Amor* brought Pluto and Proserpina together (10.26–29). Then he finally makes his formal request (10.29–31):

> By these places so filled with fear, by this enormous Void
> and the silence of a realm so vast, I beseech you to
> unravel the untimely fates of Eurydice.

> … per ego haec loca plena timoris,
> per Chaos hoc ingens vastique silentia regni,
> Eurydices, oro, properata retexite fata.

Not only does Orpheus acknowledge his unheroic smallness but he also acknowledges his fear. He is afraid because the sound of his voice intrudes upon a regal silence. After asking for the return of Eurydice, Orpheus then recognizes the supreme power that the gods of the Underworld have over him and all mortal creatures (10.32–35):

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[12] Cf. Ovid's plea to Augustus in *Tr.* 2.51: *causa mea est melior.*

> We are in everything owed to you, and tarrying but a short while
> sooner or later we all end up in the same place.
> We arrive here, this is our final home, and you
> hold the longest sway over the human race.
>
> omnia debemur vobis, paulumque morati
> serius aut citius sedem properamus ad unam.
> tendimus huc omnes, haec est domus ultima, vosque
> humani generis longissima regna tenetis.

Orpheus concludes by promising to give Eurydice back in due course. Should the gods deny his plea, he refuses to live (10.36–39):

> She too, in fullness of time, will be yours by right;
> I ask her company as a gift; but if the fates deny this
> favor on behalf of my wife, then one thing is certain: I will not
> wish to return; rejoice in the death of two.
>
> haec quoque, cum iustos matura peregerit annos,
> iuris erit vestri: pro munere poscimus usum;
> quodsi fata negant veniam pro coniuge, certum est
> nolle redire mihi: leto gaudete duorum.

The speech ends with the poet-singer refusing to return to the upper world and in effect threatening suicide.

The overall effect of this speech leads me to speculate that Ovid has more in mind than erudite engagement, competitive emulation, or even self-deprecating admission of secondariness to the *Georgics*. There is a reason Ovid tried to reproduce the most powerful song ever sung, even if we follow Anderson in believing that he failed. Five phrases in particular force me to question the purpose of 10.17–39:

(1) *si licet et* … is the discourse of speech regulation.
(2) *falsi positis ambagibus oris / vera loqui sinitis* … is the language of Hesiod's Muses.
(3) *vicit Amor* … is adapted (perfect instead of present tense) from Vergil's *Eclogue* 10, in which the poet Gallus speaks, and is very likely a quote from Gallus himself.
(4) With the panegyrical *omnia debemur vobis*, Orpheus acknowledges his dependence on higher powers.
(5) In conclusion, *leto gaudete duorum* is a threat of suicide.

It is easy enough to hear the voice of Ovid himself behind Orpheus' speech, just as Rushdie inhabits Ormus Cama's inner thoughts. Orpheus is a vehicle by which these exiled artists can express themselves and their helplessness in the face of gross injustice. Ovid is sent to

Tomis, a place he likens in his exile poetry to the Underworld.[13] In *Tristia* 2, Ovid makes his case before Augustus, who in this metaphorical configuration is equated with Hades. As Orpheus states the reason for his request (*causa viae est coniunx*, *Met.* 10.23), so Ovid asserts the value of his request: *causa mea est melior* (*Tr.* 2.51).[14] Yet I believe that there is something even more significant than the metaphor of Ovid as Orpheus at work in this speech. Perhaps these five points are nothing more than an accidental confluence of diction, necessitated by the subject-matter,[15] but I believe that together they contribute to a distinct impression, namely, the vestiges of the poet Gallus in this speech.

4. *The Ghost of Gallus*

In his commentaries, Servius twice records that in the last half of *Georgics* 4, Vergil had first written praise of Gallus, but was forced to replace it with the myth of Orpheus, after Gallus lost favor with Augustus (Servius *E.* 10):

> He (Gallus) was moreover a friend of Vergil, to such an extent that the fourth book of *Georgics* contained his praises from the middle to the end. These Vergil later changed into the Aristaeus tale at the bidding of Augustus.
>
> (Gallus) fuit autem amicus Vergilii adeo ut quartus georgicorum a medio usque ad finem eius laudes teneret, quas postea **iubente Augusto** in Aristaei fabulam commutavit.

And again, in the introductory note to *Georgics* 4,

> It must be understood, as we said above, that the final portion of this book was changed, for the praises of Gallus used to occupy that place which now contains the Orpheus tale, which was inserted after Gallus was killed owing to the anger of Augustus.
>
> sane sciendum, ut supra diximus, ultimam partem huius libri esse mutatam. nam laudes Galli habuit locus ille qui nunc Orphei continet fabulam quae inserta est postquam irato Augusto Gallus occisus est.

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[13] E.g., cold: *P.* 1.7.11–12, 4.12.33–34; inhospitable: *Tr.* 5.7.43–44, cf. Verg. *A.* 6.438, of the Underworld; see Williams 1994, 13. Hinds 1985 demonstrates how the *Metamorphoses* reflects the circumstances of Ovid's exile.

[14] In a characteristic reversal of gender, Ovid can also be seen as the Eurydice figure whom his wife, as Orpheus, must seek to recall, e.g., *Tristia* 1.3.87–88; however, see the qualifications of Schmitzer 2001, 195.

[15] For the concept, see Hinds 1998, 17–20, following Thomas 1986.

Did Vergil change his poem at the request of Augustus? Syme considered the question closed after W.B. Anderson discounted the comments of Servius altogether, denying that the ending of *Georgics* 4 originally contained praises of Gallus.[16] Many critics have attempted to reconcile these controversial observations with the poem as we have it. Some argue for the unity of the *Georgics*, demonstrating the integrity of the Orpheus myth with the rest of the poem. Brooks Otis maintained that if Gallus had been present at the end of the *Georgics*, he would have occupied fewer than fifteen lines.[17] These would have been easily excised, leaving the myth of Orpheus intact, as originally intended. Others believe that even if there was no formal praise of Gallus, his poetry influenced the content and style at the end of the *Georgics*.[18] Boucher suggested that Vergil adapted the story of Orpheus and Eurydice from the very poetry of Gallus.[19] But even if one admits the presence of Gallus, it is impossible to discern whether Vergil praised the poet or the statesman. This line of inquiry leads to a dead end every time. Ovid provides a more tenable connection between the myth of Orpheus and the poet Gallus. In his reworking of Vergil's Orpheus, Ovid quotes Vergil's Gallus: *vicit amor*. We are directed unmistakably to the *Eclogues*.

Eclogue 10, the last poem of the collection, celebrates the poetry of Gallus. Vergil begins by invoking Arethusa (*extremum hunc, Arethusa, mihi concede laborem*, 10.1), the nymph who, incidentally, surfaces later in the *Georgics* as the sister of Cyrene; Arethusa was the first to hear the plaints of Aristaeus (*G.* 4.351–356). Although Apollo, Silvanus, and Pan try to persuade Gallus to quit his mourning, Gallus replies in a thirty-nine line speech. Vergil restrains himself from fashioning the speech of Orpheus, but in *Eclogue* 10 he does not shrink from putting words in the mouth of his poet friend. Perhaps, then, the refusal to write Orpheus' speech is not so much a mark of prudence or self-restraint as it is a conscious erasure.

Gallus' song lamenting his lost love has Orphic powers, for it is echoed in the woods; it causes trees and mountains to weep, and sheep are held bound (10.9–18). Thus, nature responds to the song

[16] Syme 1938, 39; Anderson 1933.
[17] Otis 1964, 412–413.
[18] Clausen 1965, 196; Thomas 1988, I, 15.
[19] Boucher 1966, 59–65. See Jacobson 1984 for a fully documented discussion of the *laudes Galli*.

of Gallus as it does to the laments of Orpheus. Moreover, a further association with Orpheus is established by the mention of the Hebrus River. Nothing can offer Gallus solace (10.62–65):

> Now once more, neither Hamadryads nor even poetry
> pleases me; once more you very woods surrender.
> My work cannot change that god, not if in the
> heart of winter we drink the waters of the Hebrus …

> iam neque Hamadryades rursus neque carmina nobis
> ipsa placent; ipsae rursus concedite silvae.
> non illum nostri possunt mutare labores,
> nec si frigoribus mediis Hebrumque bibamus …

This river is mentioned nowhere else in the *Eclogues*, and only in the *Georgics* in connection with Orpheus, as the river down which his head floated (*G.* 4.463).[20] The Gallus of *Eclogue* 10 is unmistakably Orphic.

Gallus' speech concludes, *omnia vincit Amor: et nos cedamus Amori*, 'love conquers all; let us then yield to love' (10.69). By quoting Gallus at *Met.* 10.26, Ovid reinscribes him into the myth of Orpheus and Eurydice. And once Gallus is recognized in line 26, then the implications of line 19 are also thrown into sharp relief. 'With the riddles of a false mouth set aside' (*falsi positis ambagibus oris*) recollects Hesiod's Muses, who know how to speak true things and things that are like the truth. In Gallus' poetic initiation in *Eclogue* 6, he received the reeds of Hesiod (6.69–71):

> Take these reeds the Muses give you,
> which they once gave to the old Ascraean (Hesiod);
> by singing with these he used to draw
> the unyielding ash trees down the mountain sides.

> … hos tibi dant calamos, en accipe, Musae,
> Ascraeo quos ante seni, quibus ille solebat
> cantando rigidas deducere montibus ornos.

The music of Hesiod is described as having the same kind of effect on nature as the music of Orpheus; both are capable of causing nature to bend to their song. Add to the hint of Hesiod in *Met.* 10.19 the conclusion of the speech, line 39, in which Orpheus threatens suicide, and the Gallus of *Eclogues* 6 and 10, perhaps removed from the *Georgics*, is restored by Ovid in Orpheus' song.

We can never know if Vergil rewrote the end of the *Georgics*, if he ever mentioned Gallus. Regardless of the accuracy of the comments,

[20] For further connections, see Ross 1975, 93–95.

Servius draws a connection between the myth of Orpheus at the end of the *Georgics* and the issue of imperial intervention in poetic production. Something about the end of the *Georgics* compels Servius to believe that Vergil changed the content of the poem at the bidding of Augustus, that art answered the call of politics. Even Peter White, whose *Promised Verse* holds a conservative estimate of the influence of the *princeps* on the poets, values Servius' comments as the only evidence that Augustus prescribed what a work should or should not say.[21] We should not be surprised, then, that Ovid's rendition of Orpheus' speech demonstrates a preoccupation with the rules of addressing one's superiors (*si licet*, *loqui sinitis*, *silentia regni*, *omnia debemur vobis*). Sensitive reader of Vergil that we know him to be, Ovid responds to Vergil's lost Gallus, and in Orpheus' persuasive speech, Ovid supplements the myth that Vergil truncated. The Gallus of the *Eclogues* is characterized as an Orphic figure. But as Gallus' presence in the *Georgics* is silenced, so too is Orpheus' plea to the gods of the Underworld, the most persuasive song ever sung, omitted from the *Georgics*. What Anderson takes as prudent avoidance of 'the challenge of reproducing the ineffable song by which Orpheus conquered death', is really a conscious erasure. If, as I believe, Vergil excised Gallus from the end of the *Georgics*, then it makes sense that he replaced Gallus with Orpheus, the mythological character whom Gallus most resembled. And where Gallus was, there Ovid follows, in a move that is something less than allegorical, but surely more than metaphorical, commenting on the fate of a poet that Vergil could only adumbrate. Such a Protean shift of voice is entirely in keeping with the nature of the *Metamorphoses*.

Ovid's Orpheus expresses openly what Vergil knew implicitly, that poets owe everything to a higher power: *omnia debemur vobis* (*Met.* 10.32), and that this higher power reigns over vast realms of silence: *per … vastique silentia regni* (10.30). And it is at this point that I must come clean about one of my own underlying assumptions about poetry in general that forms the foundation for my reading: poetry is not divorced from the social, political, and economic circumstances of the poet. It does not stand at a remove from the society in which it is produced; rather, it is a reflection (even if distorted) of the benefits and problems of that society.[22] Of course, poets under Augustus did not regularly suffer the

[21] White 1993, 147.

[22] The relationship between the circumstances of production and the literature produced is theorized by Macherey 1978.

strictures of a totalitarian regime, which denies certain authors the right to publish and at its most extreme inflicts dire punishment upon others. Rather, in a way familiar even to us who prize freedom of speech, there was a growing acknowledgment of a gentlemen's agreement as to what can and cannot be said, and what the tacit consequences would be for adherence or departure from that agreement.

The unequal relations of power that defined Roman society[23] ensured that speech was always regulated at the individual, not institutional, level; informal mechanisms were built into the system. To this extent, free speech in Rome, as in Athens, was an intangible *attribute* and not a guaranteed *right* of the citizen.[24] Of course a fundamental difference cannot be overlooked: in democratic Athens—theoretically—male citizens voiced criticism of each other from a platform of political equality. The Rome of Augustus, on the other hand, was a political system comprised of asymmetrical relations of power. Therefore, criticism of the imperial regime was never so overt as to arouse the anger of those in power. By the same token, harsh repression on the part of the *princeps* also had to avoid detection, so as to contribute to a favorable image of benevolence.[25] The language of the poets was not totally restricted; their voices were not altogether silenced. Nor were the responses of the *princeps* consistently harsh or intolerant. Rather, the unequal relations of power strained language and caused poets to find new and ever more creative ways of expressing their responses to the new political order and caused the *princeps* to find new and ever more subtle ways of dealing with those responses. Therefore, if conclusions about freedom of speech in the principate strain at cross-purposes, it is because the evidence, when there is evidence, was never intended to be transparent in the first place.[26]

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[23] See Garnsey and Saller 1987, 110, 114 on inequalities enforced by law and the highly articulated structure of Roman society.

[24] See Carter in this volume.

[25] *Clementia* was the imperial virtue *par excellence*; see Charlesworth 1937, 112–113 on *clementia* (attributed to Tiberius, Caligula, Nero, and Vitellius) as a despotic mercy exercised by the conqueror or tyrant over powerless subjects; Wirszubski 1950, 150–153; Bauman 2000, 77–78. See Bradley 1976, 249; 1991, 3715–720 on *clementia* in Suetonius; Wallace-Hadrill 1982 on *civilitas*, conduct intended to bridge the gulf between subject and ruler.

[26] See Williams 1994, 156–158 on Ovid's 'subtle ludic ambivalences' that resist definitive interpretation; eulogy is hardly distinguishable from satire. See Ahl 1984; Bartsch 1994, 169; Nauta 2002, 412–440 on the problems of sincerity; it is always possible that the exaggerations and comparisons that comprise flattery are ironic and

It could be said that poets, orators, and historians enjoyed a relatively liberal policy in the matter of freedom of speech under Augustus, and that if there was a greater degree of censorship later in his reign, it was due to isolated exceptions that were scattered, minimal, and ineffectual.[27] And yet Gallus and Ovid mark the beginning and end of poetry under Augustus. And the fate of these two poets (suicide and exile) casts a shadow, forward and back, across the achievements of all that transpired between them.[28] So in the case of Cornelius Gallus, his fall from favor was due to his overweening political aspirations, not his poetry. Raaflaub and Sammons offer three reasons for the downfall of Gallus: 'a disrespectful self-aggrandizement, an inability to understand his position and its limits, and open support for Q. Caecilius Epirota, who had been expelled from Augustus' house for gross moral violations'.[29] Gallus was dismissed from the friendship of Augustus because of his vanity and ambition, not because of anything critical that he wrote about the *princeps*. The poetry of Gallus was not censored, and if the panegyrical papyrus fragment is any indication, his poetry was likely to have found favor with Augustus: 'My fate will then be sweet to me, Caesar, when you are the most important part of Roman history and when after you return I read of many gods' temples the richer for being hung with trophies'.[30] But when the politician committed the desperate act of suicide, a great poet was destroyed too. No more would friends read the cherished poems of Gallus. The political loss also spelled a literary loss, and this loss weighed heavily on the minds of those who came after him.[31] Ovid's Orpheus finally tells the gods of the Underworld, 'If I can't have Eurydice, then I refuse to continue living' (10.39). Of course, all poets fear that they will one day lose their inspiration and no longer be able to create beauty. But Orpheus' plea to the gods of the Underworld makes it clear that the source for the poet's inspiration, his Eurydice, is in someone else's power. By addressing the deities directly, Orpheus boldly confronts that which has the power to silence him. This fictive stance eventually acquires a chilling reality for Ovid in

contain indirect and hidden criticisms whose detection mean giving offense, for which an emperor may show no mercy.

27 E.g., Cramer 1945; Raaflaub and Sammons 1990; cf. Rutledge 2001, 179.

28 See Griffin 1984, 215; Feeney 1992, 7.

29 Raaflaub and Sammons 1990, 424, esp. 425 n. 28 on Nugent's (unpublished) supposition that Gallus' elegiac poetry did not suit the taste of the moralizing Augustus.

30 Anderson, Parsons, and Nisbet 1979, 140; see also the remarks of Griffin 1984, 191.

31 Cf. Jacobson 1984, 292; O'Hara 1993.

Tristia 2, in which making cautious requests to one's superior ceases to be an intricate game of Orphic allusion. No matter how ludic or open to interpretation, *Tristia* 2 remains at its core Ovid's plea to Augustus, the plea of a poet to someone in a position of higher political power.[32]

5. *Conclusion: The ground beneath our feet*

Let us visualize the tantalizing scenario within our reach but which eludes our grasp. Imagine that Vergil writes the end of the *Georgics* and includes praise of Gallus, the poet who figures so prominently in the *Eclogues*. The poem takes him seven years, and he completes it in 29 BCE. Two years later, the beloved poet Gallus falls from Augustus' favor and commits suicide.[33] Indeed, these were years, according to Syme, in which it was 'more easy to witness and affirm the passing of the old order than to discern the manner and fashion of the new'.[34] In response, Augustus bids the poet to reconsider the wisdom of praising Gallus, and Vergil revises the poem accordingly. Thirty-five years later, Ovid is engaged in writing the *Fasti*, a poem we know to be highly conscious of the rules of speaking. Many scholars agree that Ovid worked on the *Fasti* and the *Metamorphoses* at the same time, and that simultaneous composition accounts for the deep resonance between the two poems.[35] When he finally turns to the myth of Orpheus, he finds an opportunity to comment upon the conditions of free speech under Augustus. Where Vergil refused to write a speech for Orpheus, the greatest poet who ever lived, Ovid boldly gives him voice. Where Vergil erased the presence of Gallus from the *Georgics*, Ovid ghost-writes Gallus back into the very myth that replaced him. In the twenty-three-line speech, Ovid conjures up a momentary materialization of the poet Gallus that vanishes like smoke mingling with thin air.[36]

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32 See Nugent 1990; Barchiesi 1997, 28–34.

33 On the dating of Gallus' death, see Crowther 1983, 1623.

34 Syme 1939, 255.

35 See Hinds 1987, 10–11, 42–44, 77, 137 n. 23; Bömer 1988; Barchiesi 1991, 6; Barchiesi 1997, 233, 259, 264; Myers 1994, 248–250; Fantham 1998, 3.

36 Ovid's Orpheus goes on to tell the tale of Cinyras and Myrrha, a myth immortalized in the *Zmyrna* of Helvius Cinna, perhaps another hapless poet-shade in need of a voice. (Not that Cinna and Gallus had much more in common than their violent, unnecessary deaths; rather Cinna is just another example of the dangers of being a poet in turbulent times.)

But, given the paucity of our sources for Gallus, we are forced to keep both feet on the ground. A more sensible conclusion must prevail. All we can say is that Ovid's treatment of the myth of Orpheus demonstrates an awareness of the issue of speaking before one's superiors. The ability to speak persuasively before one's superiors is a skill that is necessary in any political system, and an especially important skill in a political system based on increasingly unequal relations of social, political, and economic status. In the end, there is nothing particularly Roman about the need to alter one's speech to suit a situation and to account for disparities in wealth, rank, status, and power. The need for effective persuasion is not remarkable. Orpheus convinces Hades to return Eurydice. A plainspoken demand, 'Give me what is mine, for you took her prematurely', would not accomplish the desired goal. Orpheus' smooth talking (as constructed by Ovid, *pace* Anderson) achieves results. But there is a difference between speech that is deliberately constructed so as to attain a goal, i.e., persuasive speech, and speech that is deliberately contorted so as to avoid giving offense, i.e., (self-)censored speech. Indeed, Ovid's Orpheus exercises persuasion, but the vestiges of the controversial poet-statesman Gallus in *Metamorphoses* 10.17–39 suggest a degree of censorship. No doubt the best that classical Roman literature has to offer is termed 'Augustan' for a reason: under the *princeps*, poets, orators, and historians found ample support for their artistic endeavors. But it behooves us to remember that the loss of even one poet, the suicide of Gallus or the exile of Ovid, is not to be overlooked, much less excused for its exceptionality. For the exceptions are the moments when civilization defines, and defends, itself. Thus freedom of speech is measured by the degree to which those in power allow for criticism from inferiors and by the degree of immunity granted to inferiors when voicing that criticism. Gallus and Ovid prove that Augustus did not always measure up to the challenge.

In the end, this Roman preoccupation with the conditions of speech persists long after the Augustan poets. Statius composes a *genethliakon* for Lucan, a commemoration of his birthday after his death, in which the Muse, Calliope, delivers a prophesy about the poet's fame on the day of his birth. She compares Lucan to an Orpheus who brought the whole of Rome under his spell (*Silv.* 2.7.43–47). Then, she hauntingly catalogues Lucan's works, including a poem on Orpheus (2.7.54–59):

> And first while still in your tender years
> you will write about Hector and the Thessalian chariots
> and the suppliant gold of powerful Priam,

and you will open the abodes of the Underworld;
you will offer to the favoring theaters
hateful Nero and my son Orpheus.

ac primum teneris adhuc in annis
ludes Hectora Thessalosque currus
et supplex Priami potentis aurum,
et sedes reserabis inferorum,
ingratus Nero dulcibus theatris
et noster tibi proferetur Orpheus.

As Ovid points to Vergil's Orpheus, so Statius looks back upon Lucan's Orpheus with a measure of awe and reverence.[37] This 'Orpheus' is the poem that incited the jealousy of Nero, a detail corroborated by Lucan's biographer.[38] Once again the myth of Orpheus is implicated in the notion of freedom of expression and the (in)ability to speak before one's superiors. In the two versions of Orpheus in Vergil and Ovid, separated as they are by more than thirty years, we can detect the inchoate reality that was soon to become the *modus vivendi* for Neronian poets, namely, a growing acknowledgment that a sort of Aeschylean ox has come to rest upon the tongue, that some things are more acceptable in poetry than others, and that adherence to this decorum is a political as well as an aesthetic choice.

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[37] Cf. Malamud 1995. See also Pagán 2000, 439–446 for Statius' reworking of the Orpheus myth in the *Thebaid*.

[38] *Vita Vaccae* 43–45: *ex tempore Orphea scriptum in experimentum adversum conplures ediderat poetas et tres libros, quales videmus. quare inimicum sibi fecit imperatorem*; see Ahl 1976, 347. For the fragments of Lucan's *Orpheus*, see Courtney 1993, 352–353; for fragments and testimonia, see Perutelli 1999, who uses Statius to recover the structure of the lost poem.

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CHAPTER SEVENTEEN

HISTORIOGRAPHY AND FREEDOM OF SPEECH: THE CASE OF CREMUTIUS CORDUS

Mary R. McHugh

1. *Introduction*

Tacitus' description of the prosecution of Cremutius Cordus in 25 CE under the charge of *maiestas* at *Annals* 4.34–35 is an important passage for the discussion of the freedom of speech in the Julio-Claudian period.[1] Many scholars have referred to this account in discussing the alleged suppression of speech which occurred under Tiberius.[2] However, the key to a full appreciation of Tacitus' narrative technique in relating the treason trial lies in the digression at 4.32–33, which provides the frame and context to the account which follows.[3] This digression, admittedly, is well known in the history of Tacitean scholarship. Scholars often refer to this passage in describing how Tacitus himself viewed his task in writing the *Annals* in comparison with the historiographical endeavors of his republican predecessors—Tacitus claims that the days of the republic were superior to those of the empire in range of topic and liberty of speech.[4] I will argue, however, that the use of 'figured' speech in both the digression and in the speech spoken by Cremutius Cordus in his defense is designed to show that critical expression is in fact possible, even under the most repressive of regimes. The speech which Tacitus places in the mouth of Cremutius Cordus in his own defense, I shall argue, is *Tacitus*' invention.[5] Tacitus makes

[1] I am grateful to the participants of the conference for the fruitful discussions generated by their own papers and by their thoughtful reception of this paper, especially Kurt Raaflaub, Joe Farrell, Susanna Braund, Manfred Horstmanshoff, and Sabine Grebe.

[2] To name but a few: Forbes 1936, 123–124; Syme 1939, 487, 489; Cramer 1945, 191; Syme 1958, I, 337, II, 517; Rogers 1965, 351; Syme 1970, 136; Syme 1978, 229; Martin and Woodman 1989, 176–186; Toher 1990, 141, n. 6; Sammons 1990, 438, 442; Levick 1999, 164, 194; Rutledge 2001, 95–96, 103, 177.

[3] Leeman 1963, 344–347; Sinclair 1991, 2817–2818; Woodman and Kraus 1997, 93.

[4] Among them Syme 1958, I, 309, 337; Leeman 1963, 343–345; Woodman 1988, 180–186; Martin and Woodman 1989, 169–176; Sinclair 1995, 56–58, 60–63.

[5] Syme 1958, 337, n. 10; Syme 1978, 229; Martin and Woodman 1989, 177; Rogers

clear through this speech that it was Cremutius' faulty use of rhetoric in his histories that led to the prosecution of the historian. The digression, in other words, prepares us for the right way of reading Cremutius Cordus' speech.

'Figured speech' is the term Ahl uses in his article, 'The Art of Safe Criticism in Greece and Rome', to describe the various rhetorical techniques which the author or orator could use to conceal a message behind the more obvious surface meaning of their words. According to Quintilian, in using the rhetorical devices that create figured speech, one should avoid the appearance of using them at all. Figured speech should never be obvious, it should not rely on ambiguous words or double entendres, its usage should not rely on syntactical ambiguity, and its usage should not be too frequent (*Inst.* 9.2.69–70). If the effect is overdone, what lies open to detection is the fact that figured speech was used rather than the meaning lurking beneath it (9.2.72). Once the art is detected the effectiveness is lost.[6]

Tacitus himself uses figured speech in the digression and account of the trial, but he also demonstrates how not to speak through the negative example of Cremutius Cordus, whose attempt at figured speech fails. These examples provided by Tacitus (both in *propria persona* and in his personification of Cremutius Cordus) illustrate that the use of figured speech is desirable, even when one assumes that one is free to speak openly. Thus, *Annals* 4.32–35 fulfills Tacitus' explicit and implicit historiographical aims, that is, first to provide guidance, through the examples of the lives of others, on how one may survive with integrity, even under the reign of a bad emperor; and secondly to illustrate, by his own use of figured speech, that the historian can still communicate the lessons of history under tyranny, that critical and meaningful speech is possible even when the modes of expression are severely restricted.[7] This preoccupation with the preeminence of survival, both

1952, 298.

[6] Ahl 1984, 197.

[7] Tacitus explicitly states his aim in recording history for posterity many times in his works, e.g. *Ag.* 42.4, cf. also *Ann.* 4.20.3. See especially Sinclair 1995, 37–38: 'For Tacitus, as for members of the social group he speaks for, distinction in the political arena is to be had neither by routine service, nor by rebellion. One must become a perfect representative of that political ethos, so much so that through one's mastery of the system one wins the ability to give expression to one's own individuality and independence. It is precisely this "flexible rigidity" that informs Tacitus' work as a historian'.

of the author (the historian) and his work, informs Tacitus' account of the trial, not only in his own voice in the digression, but also in the speech which he places in mouth of Cremutius Cordus, and in his summary of the aftermath of the trial.

2. Maiestas *Trials*

The trial of the historian Cremutius Cordus takes place under the reign of Tiberius in 25 CE. The charge is, according to Tacitus (4.34.2), 'a new charge for the first time heard' (*novo ac tunc primum audito crimine*). Martin and Woodman 1989, 177 clarify this statement with the explanation that while the elder Seneca describes the burning of T. Labienus' books in 6–8 CE in similar terms (*Con.* 10, pref. 5—*res nova invisitata supplicium de studiis sumi* – 'it was an unheard-of novelty that punishment should be exacted from literature', tr. Winterbottom), the responsibility for Labienus' offense is attributed to his *oratory* rather than to his *history*. No one previously had been charged with *maiestas* for writing a history (*editis annalibus*).[8]

The ambiguous general accusation of *maiestas* directed at literature was not a novelty under the reign of Tiberius or even under Augustus. According to Tacitus (*Ann.* 1.72), Augustus was the first to make the *lex maiestatis* apply to slanderous writing. Previously, so Tacitus tells us, the law had applied to 'betrayal of an army; seditious incitement of the populace; any act, in short, of official maladministration diminishing the "majesty of the Roman nation". *Deeds were challenged, words went immune*' (*facta arguebantur, dicta inpune erant* [tr. Jackson, emphasis mine]). To achieve the end desired, Augustus combined two old legal traditions, the Twelve Tables law prohibiting defamatory writing and the *lex maiestatis*. For this new crime, he introduced a new punishment, the burning of the author's writings upon the culprit's conviction.

The first evidence at hand for such a sentence during the reign of Tiberius is provided by Aemilius Scaurus, who vented his republican sentiments both orally and in writing and was punished by the burning of seven of his written orations in 24 CE.[9] Previously, no man of such elevated social status had been brought to trial on the sole charge of

[8] For the development of the concept of *maiestas* in the republican and Augustan periods, see the very interesting discussion in Mackie 1992, 83–97.

[9] Sen., *Con.* 10, pr. 2–3; Sen., *Suas.* 2, 22; Tac., *Ann.* 6. 9.

literary treason. In 34 CE, Scaurus was again prosecuted, this time under numerous charges, that of literary treason among them. Indeed, he was brought to trial on the basis of a line from his tragedy *Atreus*, which had been performed before Augustus, who had not objected. A man in the play is advised 'to bear the follies of the reigning prince with patience'.[10] To ensure that his possessions would remain intact for his intended heirs, Scaurus committed suicide before a guilty verdict could be reached. This case is representative of the many attested examples of prosecutions under the new *lex maiestatis*, and while necessarily selective, helps to provide an historical context within which the treason trial of Cremutius Cordus took place. For a fuller, although still selective account of the suppression of speech under Augustus and Tiberius, please refer to the Appendix.[11]

3. *The digression*

The key to understanding Tacitus' account of the trial of Cremutius Cordus lies in the digression (4.32–33) that precedes this narrative. While a digression can be seen as a formal turning away from the main path of the narrative, the *formal* status of this digression is challenged by the clear thematic links between the digression and its thematic environment.[12]

In the digression, Tacitus complains of the paucity of the subject material he has to work with: 'much of what I have related and which I shall have to relate, may perhaps, I am aware, seem petty trifles to record' (*pleraque eorum quae rettuli quaeque referam parua forsitan et leuia memoratu videri non nescius sum*, tr. Church and Brodribb). Compared with the annals of the old days, 'my labors are circumscribed and inglorious' (*nobis in arto et ingloriosus labor*).[13] Tacitus, in contrast to the usual claims

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[10] Dio 58.24; Cramer 1945, 190.

[11] Cramer 1945, 161–196 provides a very detailed account of the history of the suppression of freedom of speech under Augustus and Tiberius. For an interpretation of the information relating to the *maiestas* trials *contra* Cramer, see Rutledge 2001.

[12] Moles 1988, 15; cf. also Woodman and Kraus 1997, 93.

[13] Moles remarks that editors have noted the similarity between this expression and that of *Georgics* 4.6: *in tenui labor*; *at tenuis non gloria*. Both authors work in restricted/trivial spheres, but Vergil's labor wins *gloria* and Tacitus' does not. The implication Moles 1998, 15 draws from this parallel/contrast is that Tacitus fails to get *gloria* because, unlike Vergil, he is not an encomiast for the victorious Caesars but an apologist of the defeated republicans.

of historians that their work far surpasses that of their predecessors, pleads the opposite. And, ironically, in this digression, a device usually employed to entertain the reader, he denies that his work has any of the usual pleasurable elements one could find in the works of republican historians:

> they recounted great wars, the sieges of cities, kings defeated and captured, or whenever they chose to turn to domestic affairs, they told, with free digression, of the conflicts of consuls with tribunes, of the land and corn laws, and of the struggles between the plebeians and the aristocracy. (tr. mine)

> ingentia illi bella, expugnationes urbium, fusos captosque reges aut, si quando ad interna praeuerterent, discordias consulum aduersum tribunos, agrarias frumentariasque leges, plebes et optimatium certamina libero egressu memorabant.[14]

Tacitus' theme, instead, is 'undisturbed or hardly disturbed peace, the state of a sad city, and an emperor careless of expanding his authority/the empire' (*immota quippe aut modice lacessita pax, maestae urbis res, et princeps proferendi imperi incuriosus*, tr. mine).

In this first paragraph of the digression, Tacitus surprises the reader (and delights with his irony). He entertains while claiming not to do so. The explicit absence of the familiar and the expected in the formal structure and themes of the digression warns the reader to be alert. The active engagement of the reader with the text, filling in the gaps that the author has intentionally left, is necessary to unravel its full meaning. His theme is not the brilliant pictorial tableaus of his predecessors, who could freely write on whatever topic suited their interest, and whose mode of entertainment rested on the obvious and apparent. By contrasting his work in these terms—*nobis in arto et ingloriosus labor*—with that of his predecessors—*libero egressu memorabant*—Tacitus hints at the restraints placed on his own freedom of expression, and those which are not necessarily dictated by his restricted *topic*, but rather the time itself in and of which he is writing.

The instruction to the reader continues at the beginning of the second paragraph in the digression: 'it will not be useless to study those at first sight trifling events out of which the movements of vast changes often arise' (*non tamen sine usu fuerit introspicere* **illa primo aspectu levia**, *ex quis magnarum saepe rerum motus oriuntur* [emphasis and tr. mine]). Thus he neatly negates the surprising and apparently self-deprecatory claim

[14] Martin and Woodman 1989, 170; Woodman 1988, 180–185.

that began the first paragraph (*pleraque … parua forsitan et* **leuia** *memoratu videri*). He does have a reason to get out of bed in the morning, his history is worth writing, after all, and we should not take that first sentence at face value. His themes appear superficial to the casual observer, and this is intentional—this is what figured speech looks like. Again, Tacitus urges the reader to delve below the surface. Although his theme is different from those of his predecessors, it is perhaps of even greater importance, and, given the constraints placed upon his freedom of expression, his craft arguably achieves a higher level of skill/artifice.

At the end of the digression, Tacitus returns to the complaint with which he began, but we now know better than to take this at face value. In comparison to what was available to the historian of the past to record, topics (descriptions of countries, various battles and the deaths of famous generals) which 'hold and refresh the mind of the reader' (*retinent ac redintegrant legentium animum*), he laments the monotony of his subject-matter:

> the merciless biddings of tyrants, incessant prosecutions, faithless friendships, the ruin of innocence, the same causes issuing in the same results.
> (tr. Church and Brodribb)

> nos saeva iussa, continuas accusationes, fallaces amicitias, perniciem innocentium et easdem exitii causas coniungimus, obuia rerum similitudine et satietate.

And here, the complaint is somewhat straightforward—Tacitus bewails the grimness of the events of the first century CE. However, he is well aware of the psychological effect created by his histories (certainly enough to grip the mind of the reader, although perhaps not to refresh it in an altogether pleasurable manner), his accounts of *delatores* and the climate of fear and suspicion created by their activities. The topic is far from monotonous or *leve*. The problem is that writing about it is an activity fraught with danger for the author.

And so, he continues, his predecessors also had this advantage (*Ann.* 4.33):

> Then, again, an ancient historian has but few disparagers, and no one cares whether you praise more heartily the armies of Carthage or Rome. *But of many who endured punishment or disgrace under Tiberius, the descendants yet survive; or even though the families themselves may be now extinct*, you will find those, who from a resemblance of character imagine that the evil deeds of others are a reproach to themselves. Again, even honor and virtue make enemies, condemning, as they do, their opposites by too close a contrast. (tr. Church and Brodribb, emphasis mine)

> Tum quod antiquis scriptoribus rarus obtrectator, neque refert cuiusquam Punicas Romanasne acies laetius extuleris; *at multorum, qui Tiberio regente poenam uel infamias subiere, posteri manent. utque familiae ipsae iam exstinctae sint*, reperies qui ob similitudinem morum aliena malefacta sibi obiectari putent. etiam gloria ac virtus infensos habet, ut nimis ex propinquo diversa arguens.

Then, he ends his digression in his own voice and returns to the impersonal annalistic format, narrating the account of Cremutius Cordus' trial (*Ann.* 4.34–35).

The last few lines of the digression are the most telling. While Tacitus is ostensibly complaining of the difficulties he faces in his own work as a historian, he is also setting the stage for the troubles of Cremutius Cordus, which in turn mirror the perils faced by Tacitus. The speech of Cremutius Cordus, the creation of Tacitus, lists the historians of the past who could speak openly with impunity. Tacitus, in his own voice in the digression, states that the ancient historian had but few disparagers and no one cared whether you praised more heartily the armies of Carthage or Rome. The Republican historian could praise the virtues of an enemy of Rome as despised as Hannibal without any serious repercussions.

By contrast, Tacitus must hide behind the persona of Cremutius Cordus to illustrate that praise of the imperial regime's enemies (even those long dead—Brutus and Cassius) was indeed a dangerous undertaking during the reign of Tiberius. To demonstrate the continued relevance to his own time of the instructive example of Cremutius Cordus, Tacitus remarks in his own voice (in the digression) that 'the descendants of those who suffered punishment or disgrace under Tiberius yet survive', either literally, or in a way '*even though the families themselves may be now extinct.*'[15] In my reading of this last line, Tacitus means for his contemporary audience to understand that the 'descendants' are not necessarily blood relatives, but those who vulnerably continue in the occupations of those so prosecuted, most notably historians, such as Cremutius. By *posteri*, then, I understand a figurative, rather than a literal translation of 'descendants'. Tacitus' advice to these 'descendants'

[15] Yes, even in Tacitus' own time. Moles remarks that despite Tacitus' protestations (*Hist.* 1.1.2) that under emperors such as Nerva and Trajan, 'it is permitted to feel what you wish and to say what you feel', one can argue that this too is an example of figured speech (cf. Ahl 1984, 207). Of course, the use of figured speech and the ability to interpret it is suitable under Tiberius and monarchs like him and in historiographical treatment of such monarchs. Moles 1998, 20.

is to be careful of those who, from a resemblance of character, imagine that the evil deeds of others are a reproach to themselves. And he warns historians and writers that even honor and virtue make enemies, condemning as they do, their opposites by too close a contrast.

Implicit in this statement is the caution—be aware that in describing events and characters of the past, you may excite animosity.[16] Someone in a position of power may find incrimination of their behavior through analogy to an historical figure you castigate, or, again, may find themselves condemned through your praise of a character whose virtue they lack.[17] As the use of figured speech becomes more and more necessary, so will the suspicions of those whose wrath you are trying to avoid increase. The case of Cremutius Cordus amply demonstrates the value of this sentiment. Because he praised Brutus and Cassius, his words were deemed a reproach (and perhaps they were so intended) to the reign of Tiberius. By speaking too openly (although this does not seem so obvious to us), Cremutius sealed his own fate. If Cremutius intended to use figured speech, he has failed, because his use of it was detected.

[16] This is a danger faced not only by the historian, but also by those engaged in an active political life, such as Tacitus—a senator and magistrate and orator and historian. As an orator, whose ambit at the end of the first century CE was principally the lawcourts, 'he may have to censure powerful personages (Quint., *Inst.* 9.2.68) to make his case, even though this is not his direct or desired goal. He has a triple audience: the judge, his opponent, and external powerful people who may be offended. No part of this audience is necessarily well disposed to him' (Ahl 1984, 194). Rhetoric is employed not only in the lawcourts, however, but also in literature, and publication expands the audience of the author. In Tacitus' *Dialogus de oratoribus*, the character Maternus, who has eschewed the oratory of the lawcourts in favor of poetry, who claims to have abandoned the world of politics and ambition, is warned by his friends on a number of occasions of the 'offence to the mighty that he is causing by his tragedies and of the consequent dangers that threaten'. The titles of Maternus' tragedies—*Cato, Thyestes, Medea*, and *Domitius*—indicate that Maternus was using tragedy to reflect dramatically on tyranny and to oppose it, as well as to express an analogy between his dramatic tyrants and the imperial system, cf. Williams 1978, 33–34. Maternus' use of figured speech is quite similar to that of Cremutius Cordus. Indeed, Aper's speech (*Dial.* 10.5–8), warning Maternus of the folly of his behavior, provides some insight into Tacitus' treatment of Cremutius Cordus in the *Annals*.

[17] Woodman and Martin 1989, 175 note on this line 'Readers were evidently alive to hidden meanings, innuendo or—to use the technical term—*emphasis* (*Rhet. Her.* 4.67, Quint., *Inst.* 8.3.83, etc.)'.

4. *Trial of Cremutius Cordus*

According to Tacitus, Cremutius Cordus was brought to trial 'because he had published a history in which he praised Marcus Brutus and called Caius Cassius the last of the Romans' (*Ann.* 4.34). It is this praise of Brutus and Cassius that is Cremutius Cordus' most obvious use of figured speech—by praising historical figures, he is able to comment on his contemporary political scene, while not so obviously appearing to do so. This use of history is analogous to the use made of myth in both Greek tragedy and in Roman tragedy and epic, where associations to historical and political figures and realities were made by analogy.[18] The reader or listener supplies the details omitted altogether, although hinted at, by the writer or speaker.

But let us look at Tacitus' account of the trial. In his defense, Cremutius says that his words and not his deeds convict him. He argues that he has not maligned the emperor or his mother, who, he says, alone are comprehended under the *lex maiestatis*. In this argument of defense, a strange and seemingly anachronistic one at first glance, he alludes to Tiberius' first adoption of the law formulated by Augustus, when Tiberius had been offended by anonymous verses circulating, which had directly attacked him for his vices and for his estrangement from his mother.[19] However, after the case of Appuleia Varilla in 17 CE, Tiberius had ruled that slanderous remarks against himself need not be prosecuted and that slanderous remarks about his mother should never be the basis of prosecution (*Ann.* 2.50). Elsewhere, Tacitus is the authority that Tiberius ruled that abusive ridicule of Tiberius or Livia was not *maiestas* (*Ann.* 1.74.3–6; 2.50.2).

So why would Tacitus have Cremutius Cordus use this particular defense, when the law has changed dramatically since that first iteration under the reign of Tiberius? Surely in preparing his defense the historian Cremutius Cordus was aware of the current scope of the *lex maiestatis*? Placing this hopelessly inadequate and anachronistic argu-

[18] Cf. also note 20 below. Williams 1978, 40 notes that 'mythological and historical tragedy, used to convey Republican sentiments and criticism of the monarchy, was already old-fashioned by the time of Vespasian, and it had completely died out long before A.D. 102'. Considering the fate of Cremutius Cordus, is it any wonder that this type of figured speech quickly became unfashionable?

[19] *hunc quoque asperavere carmina incertis auctoribus vulgata in saevitiam superbiamque eius et discordem cum matre animum.*—'He too had been ruffled by verses of unknown authorship satirizing his cruelty, his arrogance, and his estrangement from his mother', *Ann.* 1.72.

ment in the mouth of Cremutius Cordus is enough to get our attention, and this is just what Tacitus intended. This is another example of the rhetorical device of *emphasis* at play, where the author does not say everything himself, but leaves clues for the reader to fill in the gaps. In the first two arguments of his defense, Cremutius summarizes the history of the law (*Ann.* 4.34):

> Conscript Fathers, my words are brought to judgment—so guiltless am I of deeds! Nor are they even words against the sole persons embraced by the law of treason, the sovereign or the parent of the sovereign.
>
> (tr. Jackson)

> verba mea, patres conscripti, arguuntur: adeo factorum innocens sum. Sed neque haec in principem aut principis parentem, quos lex maiestatis amplectitur …

In the first sentence, he refers to the pre-Augustan state of the *lex maiestatis*, when 'deeds were challenged, words went immune' (*facta arguebantur, dicta inpune erant, Ann.* 1.72). In the beginning of the second sentence of his defense, he refers to the post-Augustan changes made to the law by Tiberius, when *open* and *direct* opposition to or slander of the emperor and his family was encompassed by the law. In summing up this history, Cremutius says that he is innocent of both counts—either acts of sedition or *openly* slanderous attacks against the imperial family. In essence, then, in his defense Cremutius admits that his opposition has been veiled and indirect, that he has employed figured speech in his histories, until then a non-prosecutable offense—*novo ac tunc primum audito crimine*.

The next part of Cremutius' defense, then, addresses his use of figured speech in his histories (*Ann.* 4.34):

> I am said to have praised Brutus and Cassius, whose acts so many pens have recorded, whom not one has mentioned save with honor.
>
> (tr. Jackson)

> Brutum et Cassium laudauisse dicor, quorum res gestas cum plurimi composuerint, nemo sine honore memorauit.

Although Cremutius admits to praising Brutus and Cassius, so has anyone else who has ever mentioned them. Augustus tolerated Livy's praise of Pompey, even teased Livy about it, and did not allow this difference in opinion to mar their friendship (*neque id amicitiae eorum offecit, Ann.* 4.34). Cremutius then names other Roman historians who praised Brutus and Cassius, yet suffered no censure because of it: Asinius Pollio and Messala Corvinus. When Cicero might have offended Caesar by

his praise of Cato, Caesar replied with his own oration, as if he were pleading his case in court. Antony and Brutus, Bibaculus and Catullus all included invectives against Caesar in their work, and yet Augustus bore all this patiently. As far as the Greeks were concerned, liberty and even license went unpunished (*Ann.* 4.35).

Cremutius Cordus continues: Is he rousing people to civil war because of his praise of Brutus and Cassius?[20] Because death has removed Cassius and Brutus from the partialities of hatred or esteem, are not they due their measure of honor in posterity? Cremutius warns that if he is condemned, his memory, too, will remain, as did the memories of Brutus and Cassius 'as they are known by their effigies (which the conqueror himself did not abolish)', tr. Jackson, *quomodo imaginibus suis noscuntur* (*quas ne uictor aboleuit*) (*Ann.* 4.35, tr. Jackson). After delivering this speech, Cremutius Cordus departs and ends his life by starvation. The senate decreed that his books were to be burned. However, Tacitus tells us, 'some copies were left which were concealed and afterwards published'.

The survival of Cremutius Cordus' work ensures that the historian gets the last laugh—although Tacitus claims on a number of occasions that the emergence of the principate and the peace that it established made oratory obsolete, the irony of that claim is evident at *Ann.* 4.35.4–5:

> A fact which moves us the more to deride the folly of those who believe that by an act of despotism in the present there can be extinguished also the memory of a succeeding age. On the contrary, genius chastised grows in authority; nor have alien kings or the imitators of their cruelty effected more than to crown themselves with ignominy and their victims with reknown. (tr. Jackson)
>
> quo magis socordiam eorum inridere libet qui praesenti potentia credunt exstingui posse etiam sequentis aeui memoriam. nam contra puni-

[20] According to Martin and Woodman 1989, 162, 183, Cordus' question in his speech: *num enim … belli ciuilis causa populum … incendo*? omits all reference to his role as an author, and thus 'Cordus represents as *actually* taking place that which in his history is merely *described*'. Thus he 'seeks to exculpate his work on grounds that it exhibits a quality at which all ancient historians aimed'—reproducing in the minds of the readers the feelings which were actually experienced by those who viewed the events (Plut. *Mor.* 347a)—'and which therefore implies nothing about his personal motive (*causa*)'. This is the same rhetorical ploy that Tacitus is using in recounting the trial of Cremutius Cordus—he invents the speech of the historian and through this direct speech, Tacitus removes himself from the obvious role of narrator by representing the event as actually occurring.

> tis ingeniis gliscit auctoritas, neque aliud externi reges aut qui eadem saeuitia usi sunt nisi dedecus sibi atque illis gloriam peperere.[21]

This is Tacitus' defiant cry—no matter how fiercely tyrants, either foreign or domestic, may try to silence their opponents, their ferocity will only inspire greater ingenuity on the part of the oppressed, who will find a way to escape the detection of the censors, who will speak freely if not openly, and, who will ensure the circulation and/or publication of the writings of the silenced, even if the authors themselves do not survive.

5. *Other literary accounts of the trial*

According to Rogers (1965, 351), the account of the trial of Cremutius Cordus is the fullest and most explicit assertion of the alleged suppression of free speech by the Empire. In addition to Tacitus' report, Dio, Suetonius, and Seneca all provide various accounts of the trial.[22] According to Dio (57.24.2–4), the complaint was made that while Cremutius had spoken no ill of Caesar and Augustus, neither had he praised them sufficiently. This was the cause of his death as well as the burning of his books. Dio's account is slightly different from the description of the charge as recorded by Tacitus. Dio is the only one of the sources to say that Cremutius Cordus had not praised Caesar and Augustus enough. Martin and Woodman 1989, 179 point out that the application of the *lex maiestatis* has come a long way from its original intent—'in the past, insofar as it concerned the written word, (the law) had previously been confined to criticism or libel'. Cordus' work is not critical but encomiastic. Of course, the question remains—by praising, does Cordus intend criticism? In any case, Dio's statement indicates that the issue was one of control of speech rather than suppression of speech.

Dio also reports that Cremutius was forced to commit suicide. Seneca (*Ad Marc.* 22.4) and Dio, together with Tacitus, cite Sejanus as the source of Cremutius Cordus' indictment. Suetonius (*Tib.* 61.3), however, makes Tiberius responsible. All four sources, Seneca, Tacitus, Dio, and

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[21] Cf. Tac., *Dial.* 36.1–2; 38.2.

[22] Dio 57.24.2–4; Suet. *Tib.* 61.3; Sen. *Ad Marc.* 1.2–4; 22.4–7; 26.1, 3

Suetonius agree that Cremutius' writings, his histories, were the charge against him and the cause of his death.[23] However, only Tacitus records a speech delivered by the defendant.

6. *Cremutius' failed figured speech*

How does Tacitus suggest that Cremutius Cordus fails in his use of rhetoric? One could argue that Cremutius did not necessarily praise in his histories the individual virtue of Brutus and Cassius, but what they represented. He opposed in principle the monarchy instituted under Augustus and currently maintained by the rule of Tiberius. His words did not attack Augustus, Tiberius, or Livia personally, which would not have been an indictable offense anyway, but his praise is even more subversive. It attacked the institution of the monarchy itself. According to Moles (1998, 28), 'the salutation of Cassius as the last of the Romans actually implies the most radical of political claims, namely that the Republic *was* Rome and that with the fall of the Republic Rome is spiritually and politically dead'. And while Cremutius was not in the fields of Philippi with Brutus and Cassius (a physical impossibility) stirring the people to civil war with a rousing speech, his recounting of the events of history could still potentially incite political aspirations in his audience.[24] Because Cremutius Cordus' speech was so thinly veiled, the *suspicion* of what his words meant implicated him. The meaning of his statement, praising Brutus and saying that Cassius was the last of the Romans, was too apparent.

One could argue, however, that Cremutius Cordus intended to be detected. After all Tacitus describes Cordus as *reliquendae uitae certus* before he even begins speaking at his trial. There is no one as dangerous as the man who knows he has nothing to lose. According to Seneca's account (*Ad Marc.* 22.4), Cremutius Cordus felt that his fate was sealed because of the animosity Sejanus felt toward him. As a consequence, he became even more open in his criticism of Sejanus.

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[23] Rogers 1965, 355. Rogers asserts, however, that Cremutius Cordus could not have been convicted on the basis of his having praised Brutus and Cassius, as that was not an indictable offense (359).

[24] In Suetonius' *Life of Claudius* (*De Vita Caesarum*, Book 5.41.2), Livia and Antonia advise the young Claudius, aspiring to be an historian, not to write about civil war. Even during the reign of Augustus, apparently, the historian who wrote about civil war was embarking on an inherently dangerous project.

This attitude is strikingly similar to that of the twentieth-century Russian poet, Osip Mandelstam, who died under the reign of Stalin. According to Mandelstam's widow, Mandelstam carefully considered his action in writing the poem about Stalin that ultimately incriminated him. He felt he could no longer be silent. He was aware that it was only a matter of time before he would be singled out for elimination. The infamous poem was not written down at the time of its composition, for fear of being discovered, but was memorized and communicated to about eleven intimate acquaintances of the Mandelstams. Nedezhda Mandelstam later decried the rumor that the poem about Stalin had been read at a party: 'Every word of this shows total ignorance of our life … This is the sort of thing that only a provocateur would do, but even a provocateur would scarcely have dared to recite a poem about Stalin at a party'.[25] Yet the fact that Mandelstam intended the poem for wider circulation is also clear from his uncharacteristically plain language. His poetry was normally rife with figured speech, but in this poem Mandelstam wanted to be sure that his meaning was absolutely clear to any and every hearer. In this way, he chose the manner of his own death. While both writers made superficial attempts to conceal their speech, it is clear that both meant their meaning to be fully understood. And while Tacitus suggests that successful figured speech would have ensured Cremutius Cordus' survival, there is more than a hint of admiration in his description of the aftermath of the trial and the ultimate survival of Cremutius Cordus' work. (Mandelstam's work, too, was preserved as *samizdat*.) Perhaps Tacitus suffered from what we now call 'survivor guilt'?

7. *Conclusion*

While Cremutius Cordus' use of figured speech was too easily detected, Tacitus succeeds and survives politically because he has followed the rhetorical advice of Quintilian, the leading educator and rhetorician of the day.[26]

> For we may speak against tyrants in question as openly as we please without loss of effect, provided always that what we say is open to a different interpretation, since it is only danger to ourselves and not

[25] Mandelstam 1970, 149.
[26] Tacitus, in fact, may have been a student of Quintilian's. Conte 1987, 512, 531.

> offence to them, that we have to avoid. And if the danger can be avoided by any ambiguity of expression, the speaker's cleverness will meet with universal approval (Quint. *Inst.* 9.2.67, tr. mine).[27]
>
> quamlibet enim apertum, quod modo et aliter intelligi possit, in illos tyrannos bene dixeris, quia periculum tantum, non etiam offensa vitatur. Quod si ambiguitate sententiae possit eludi, nemo non illi furto favit.

When, in the digression at *Annals* 4.32–33, Tacitus complains of the limitations of his subject matter and yearns for the days when his predecessors could write freely of more interesting topics, he could indeed be complaining of the poverty of his material, as the most obvious meaning of these lines imply.

Or, as is likely, he could be complaining of the political restrictions placed upon him by his contemporary situation. At the same time, by reference to the fluidity with which Republican historians could move from external to internal affairs, he also provides a clue to the understanding of his own work. Although his speech is restricted, Tacitus is still able to speak freely through the use of figured speech. The digression of *Annals* 4.32–33, though normally understood as a break in the stream of the narrative, and therefore external to it, is actually the frame and the key for understanding the internal narrative account of the treason trial of Cremutius Cordus at 4.34–35. At the same time, the digression represents Tacitus speaking in the first person, therefore 'directly' communicating his subjective thoughts about history, while also indirectly preparing us to read the account that follows. In the treason trial, Tacitus speaks indirectly through the person of Cremutius Cordus, creating the impression of an objective telling of an historical event. Thus, Tacitus himself moves fluidly between the internal and the external, between the implicit and the explicit in the writing of his history. In writing the speech for Cremutius Cordus, Tacitus corrects his predecessor's failed use of figured speech and shows others how to avoid his fate.

[27] This attitude toward figured speech is strikingly similar to that expressed in Horace's *Satires* 2.1.79–86.

Defendant	**Date**	**Alleged Offense**	**Punishment(s)**	**Source(s)**
oracular writings	12 BCE	source of perpetuating hopes of political opposition?; offense not specifically mentioned	books burned	– Suet. *Aug.* 31,1
C. Plautius Rufus	6–8 CE	accused of publishing pamphlets critical of Augustus	?	– Suet., *Aug.* 19, 1; – Dio, 55. 27, 2–3
Titus Labienus	6–8 CE	anti-monarchical in speech & writings (more?) commits suicide	all works burned	– Sen., *Con.* 10, pr. 5 (Seneca says that Labienus was the first author to suffer this fate; Tacitus (*Ann.* 1.72) says that Cassius Severus' case was the earliest) – Dio attributes 1st bookburnings to 12 CE (56.27,1)
T. Cassius Severus	8 CE, 24 CE	defiant obituary on T. Labienus' burned writings; barbed attacks on Rome's social elite	works burned, exiled to Crete, then Seriphos in 24 CE after 2nd trial	– Sen., *Con.*, 10, pr. 7–8; – Tac., *Ann.* 1.72
Appuleia Varilla, niece of Augustus' sister	17 CE	'insulted deified Augustus, Tiberius, and his mother; also caught in adultery'	punished for adultery, turned over to her family to be exiled beyond the two-hundredth mile stone	– Tac., *Ann.* 2.50

Defendant	Date	Alleged Offense	Punishment(s)	Source(s)
Clutorius Priscus	21 CE	composed poem anticipating death of Drusus; when Drusus recovered from illness, C.P. recited poem anyway	charge of literary treason brought agnst. him; fine, exile and death penalty = punishment	– Tac., *Ann.* 3.50 – Dio, 57.20, 3
Aelius Saturninus	23 CE	recited 'improper verses about Tiberius'	prosecuted under *lex maiestatis*; convicted and hurled from the Capitol	– Dio, 57.22, 5
Mamercus Aemilius Scaurus	24/25 CE, 34 CE	Line from his play, *Atreus*; Tiberius made to believe that remark was made about him, not prince of tragedy; also accused of adultery and magic practices	charge of literary treason; seven of Scaurus' written orations were burned; Scaurus commits suicide before final verdict; rest of works burned after his death? (see Suet.—*scriptaque abolita*)	– Tac., *Ann.* 6.9 & 29 – Dio, 58.24, 4–5 – Suet., *Tib.* 61, 3 – Sen., *Con.* 10, pr. 2–3; – Sen., *Suas.* 2, 21
Aulus Cremutius Cordus	25 CE	Cordus' *Annals*; in which he 'praised Brutus and Cassius' & did not praise Caesar and Augustus enough'	charge of literary treason; committed suicide before sentence delivered; books burned	– Dio, 57.24, 2–3 – Tac., *Ann.* 4.34 – Sen., *Ad Marc.* 22, 4ff. – Suet. *Tib.* 61, 3

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CHAPTER EIGHTEEN

LIBERTAS OR *LICENTIA*? FREEDOM AND CRITICISM IN ROMAN SATIRE

Susanna Morton Braund

1. *Introduction*

Free speech is a concept central in any society that calls itself a democracy. But allowing free speech generates difficulties for democracy too. Most problematic are cases where an individual's exercise of free speech consists of expressing hostile views towards other individuals or groups in society. A democracy has two strategies to deal with this situation: censorship and censure, that is, legal coercion and social coercion. Censorship or legislation can be used to curb or outlaw or punish speech-acts that could incite hatred and violence, though there is a possibility of infringing the right to 'freedom of speech' as enshrined, for example, in the First Amendment to the United States Constitution.[1] An alternative strategy is education in the broadest sense, with the aim of encouraging people into attitudes of humaneness and tolerance and showing society's collective censure and disapproval of anti-social behavior in ways that apply social rather than legal pressure.

In Roman satire, the issues raised by free speech are concentrated around the terms *libertas* and *licentia*, where *libertas* is used to denote an exercise of freedom of which the speaker approves, while *licentia* denotes an exercise of freedom of which the speaker does not approve.[2] These terms are evidently in tension—a productive tension of which

[1] Constitution of the United States of America, Amendment I: 'Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances'.

[2] These are of course political as well as moral and aesthetic terms. For a discussion of the political significance of *libertas* see Hellegouarc'h 1963, 542–565 esp. 558–559 on the antithesis with *licentia*; Wirzsubski 1950. Feeney 2002 at 172 starts his paper on Horace and literary history by noting that the watchword for the tyrannicides at Philippi was *Libertas* and goes on to connect this with Horace's 'fumbled engagement with *libertas*' in the *Satires* and *Epodes*. See further notes 10 (on Feeney) and 16 (on *Epodes*) below. Freudenburg 2001, 48–51 perceptively points out that in Roman culture *libertas* denotes social status *and* free speech inseparably.

the satirists themselves are well aware. Typically, the satirist claims a moral superiority that is located in *libertas*, namely, speaking the often unpalatable truth about society, while fending off criticisms that he is indulging in *licentia*, namely exploiting his platform to give offense. This means that satire can elicit approval for its brave honesty or disapproval for its offensiveness, depending on your point of view. But the tension between these two terms does not, I suggest, invite or involve a compromise. Rather, it is a dynamic tension that the satirists exploit by reviving the threat of *licentia* in order to assert their exercise of *libertas*. The incompatibility between these concepts is never really resolved and never could be; it would hardly be satire if it did not take a few of the risks ordained by *licentia*. In this paper I shall explore the tension between *libertas* and *licentia* in Roman satire. But before I do that, I offer a contemporary analogy which brings home many of the very same issues.

The lyrics of the rap artist Eminem's songs offer a paradigmatic case of this very tension in contemporary America. Eminem's lyrics have provoked strong reactions: hostility to their apparent misogyny and homophobia (the modern equivalent of *licentia*) and defense of the freedom of expression (*libertas*) involved. Modern analogies, it must be said, are often gratuitous; but in this case, I believe that Ralph Rosen and Victoria Baines, in a paper to which I owe a considerable debt, have already demonstrated the value of aligning Eminem with Juvenal in terms of the creation of complex multiple personae.[3] My paper will start by focusing upon the aspect of Eminem's lyrics that illuminates the issue of freedom of speech in Roman satire.

Particularly relevant is Eminem's own awareness of the tensions caused by the exercise of free speech. Eminem's recent CD, 'The Eminem Show'[4] announces its self-consciousness from its very title and opening moments, when we hear the performer walk across the stage to the microphone, tap it and clear his throat. This is a 'show', an act, a performance, a form of drama—just like the monologues and dialogues of Roman satire. The opening words of the opening track, 'White America', a disquisition on what it is to be 'American', immediately foreground the issue of freedom of speech:

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[3] Rosen and Baines 2002

[4] 'The Eminem Show' (2002, Aftermath Records). This CD appeared too late for Rosen and Baines (2002) to discuss at length; their material is drawn from Eminem's earlier work.

America! We love you!
How many people are proud to be citizens of this beautiful country of ours?
The stripes and the stars for the rights that men have died for to protect
The women and men who have broke their necks for the freedom of speech the United States government has sworn to uphold.
(Yo I want everybody to listen to the words of this song) Or so we're told …

In this song, Eminem juxtaposes the idea of people giving their lives for the sake of freedom of speech and the attempts at curbing his own brand of free speech, despite (or perhaps because of) the chord it has struck with so many people, the young people of 'White America'. The entire song is relevant but it will suffice to provide a few excerpts here:

I never would've dreamed in a million years I'd see so many motherfuckin people who feel like me,
who share the same views and the same exact beliefs, it's like a fuckin army marchin in back of me
So many lives I touch, so much anger aimed in no particular direction, just sprays and sprays
Straight through your radio waves it plays and plays, till it stays stuck in your head for days and days. …
How could I predict my words would have an impact like this
I must've struck a chord with somebody up in the office, cuz Congress keeps telling me I ain't causin nuthin but problems
and now they're sayin I'm in trouble with the government, I'm lovin it,
I shoveled shit all my life and now I'm dumping it on—White America! …

See the problem is I speak to suburban kids who otherwise would of never knew these words exist
whose moms probably woulda never gave two squirts of piss, till I created so much motherfuckin turbulence
straight out the tube, right into your living rooms I came. …
All I hear is: lyrics, lyrics, constant controversy, sponsors working round the clock, to try to stop my concerts early
surely hip hop was never a problem in Harlem only in Boston, after it bothered the fathers of daughters starting to blossom
so now I'm catchin the flack from these activists when they raggin, actin like I'm the first rapper to smack a bitch, or say faggot
shit, just look at me like I'm your closest pal, the posterchild, the motherfuckin spokesman now for—White America! …

So to the parents of America I am the derringer aimed at little Erica, to attack her character
The ringleader of this circus of worthless pawns
Sent to lead a march right up to the steps of Congress
And piss on the lawns of the White House and to burn and replace it with a Parental Advisory sticker
To spit liquor in the face of this democracy of hypocrisy

> *Fuck you, Ms. Cheney! Fuck you, Tipper Gore!*
> *Fuck you with the free-est of speech this divided states of embarrassment will allow me to have, Fuck you!.*

The tension is articulated clearly: Eminem's *libertas* is *licentia* in the eyes of his critics. He sees very clearly that in the eyes of the threatened 'parents of America' he must look like the 'ringleader' of a movement that wants to 'piss on the lawns of the White House' and 'to spit liquor in the face of this democracy', but when in his next breath he calls this democracy the 'democracy of hypocrisy' he indirectly claims the right to use strong and vivid language to tell his truth about America. The last words of the song assert his claim both theoretically and practically: '*Fuck you with the free-est of speech this divided states of embarrassment will allow me to have, Fuck you!*' Is this *libertas*? Or *licentia*? Eminem does not tell us—and to destabilize everything further, he finishes the track with the spoken flourish: '*I'm just kiddin America, you know I love you.*'

The issue of exercising free speech through the medium of rap poetry is reiterated several more times through the CD.[5] Finally, at the end of the last song, Eminem seems to concede to his critics by talking about his little daughter Hailie, saying: *'I don't blame you, I wouldn't let Hailie listen to me neither'*. In this apparently autobiographical signature, Eminem offers us the paradox of his claiming the right to unfettered free speech then concurring with those who would apply censorship to this exercise of freedom. In other words, he complicates his claim to exercise *libertas* by conceding to his detractors that *libertas* might shade into *licentia* at times, maybe depending upon who is listening.

The central question Marshall Mathers seems to be posing throughout 'The Eminem Show' is, how far can free speech go? This is a question that satire, of all the genres of Latin literature, is best situated to pose and to respond to, because, like Eminem's lyrics, satire continually

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[5] 'Square Dance' asserts that Eminem's aim is to 'push this generation of kids to stand and fight for the right to say something you might not like'; 'Without Me' portrays the attempts at censorship: 'So the FCC wont let me be or let me be me so let me see ‖ they tried to shut me down on MTV'; in 'Sing for the Moment' he acknowledges the ambivalence of his words: 'Yet everybody just feels like they can relate, I guess words are a mothafucka they can be great ‖ or they can degrade, or even worse they can teach hate'; and in the last track, 'My Dad's Gone Crazy', he muddies the waters still further: 'My songs can make you cry, take you by surprise at the same time, can make you dry your eyes with the same rhyme ‖ see what you're seein is a genius at work, which to me isn't work, it's so easy to misinterpret it at first ‖ cus when I speak, it's tongue-in-cheek, I'd yank my fuckin' teeth before I'd ever bite my tongue'.

concerns itself with limits. Most obviously, satire polices the boundaries of acceptable behavior by criticizing those who exceed those boundaries. But satire itself all too easily oversteps the mark in its criticisms. And it knows it does this. It is therefore imperative to examine the places where satire exhibits an awareness of the process in which it is engaged, the places where satire becomes metasatire. Accordingly, I start by interrogating Horace's discussion of the development of free speech, in which he sets up the tension between *libertas* and *licentia* and raises the issue of limits. Then I shall examine free speech in satire in two ways: first by looking at the theoretical claims made by the satirists and then by examining particular satiric stagings of the conflict between *libertas* and *licentia*.

2. *Horace and Persius on free speech in satire*

Let us begin by turning directly to Horace's discussion of the development of free expression in poetry in a passage from his *Epistle to Augustus*, *Epistles* 2.1, possibly Horace's latest composition in the genre of satire.[6] Horace's picture of free speech seems just as complicated as Eminem's (Hor. *Sat.* 2.1.139–155, tr. Rudd):

> Farmers of old—sturdy men, well off with a little –
> when the crops were in, at holiday time relaxed the body
> and the mind as well (which bears a lot when it has an end
> in sight) with the sons and loyal wives who had shared the work.
> They used to placate Silvanus with milk and Earth with a pig,
> and the Genius who knows the shortness of life with wine and flowers.
> These occasions saw the beginning of wild Fescennines –
> verses in which they exchanged volleys of rustic abuse.
> Freedom was gladly given a place in the year's cycle,
> and people enjoyed the fun, until the joking began
> to get vicious and turned into sheer madness, becoming a menace
> and running unchecked through decent houses; its tooth drew blood,

[6] I take the view that this poem, convincingly dated by Rudd 1989, 1–2 to 12 BCE, is part of the continuation of Horace's output in the hexameter genre of *satura* represented in his earlier writings by two books of *Satires* and one book of *Epistles* as well as by *Epistles* 2.2 and, if it is earlier, the so-called *Ars Poetica*. See Braund 1992, 25 with nn. 61–63; Brink 1963 seems to take this continuity for granted, for example in Part III, 153–209.

Feeney 2002, 172 and 182 observes that Horace engaged with issues of free speech throughout his career, seeing the exploration of *parrhesia* in *Epistles* I as an important precursor to the letter to Augustus.

and the victims smarted; even those who escaped were worried
about the state of society. At last a law was enacted
involving penalties; no one, it said, should be traduced
in scurrilous verse. They changed their tune, and in fear of the cudgel
returned to decent language and the business of giving pleasure.

In this passage, Horace sets up a model of ancient rustic festivities marked by the license that we might readily associate with carnival, that is, licit license, free speech that is contained within its festival frame.[7] Horace introduces this form of freedom with the word *licentia* (*Fescennina* … *licentia* 145) and specifies its formulaic structure as one of reciprocal insults (*uersibus alternis* 146). This indicates that the abuse is not a free-for-all but that even within a festival context free speech has its rules.[8] This license he initially construes as a manifestation of freedom (*libertas* 147) with friendly playfulness (*lusit amabiliter* 148), but he then condemns its turn into an explicit savagery (*apertam* | *in rabiem* 148–149) which offended not only those who were attacked but also those who might be attacked. At this point, he asserts that legislation was enacted to check malicious defamation (*malo* … *carmine* 153) on behalf of the community as a whole (*condicione super communi* 152).[9] According to Horace, this imposition of law was enough to return people to more positive forms of speech (*ad bene dicendum* 155).

A simple account of the decline of festival high-spiritedness into dangerous slander—the abuse of abuse, so to speak—would surely have envisaged the shift as a change from the simple *libertas* of ancient times into ever-bolder *licentia*. But Horace's account is not a simple account. By using *licentia* and *libertas* in the same sentence, within a couple of lines, he enigmatically confounds them. It is only once the community has become united in its anxiety (once the unscathed, *intacti*, join those attacked, *lacessiti*) that social censure and legal censorship ensue and bring the situation back under control. In other words, Horace turns over the final decision on *libertas*-*licentia* to the audience—precisely Eminem's strategy in 'The Eminem Show'.

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[7] This concept of the bounded license associated with carnival is essentially that expounded by Bakhtin and now integrated in the study of appropriate Greco-Roman texts. See for example Miller and Platter 1993.

[8] The structure of reciprocal insults is astonishingly closely matched in the 2002 movie in which Eminem takes the starring role, *8 Mile*, a representation of the rap scene in Detroit within which Eminem learned his rap trade. The contests are the closest equivalent I have found in modern culture to ancient amoebean exchanges.

[9] Rudd 1989 translates this phrase 'about the state of society'; see also Brink ad loc., Brink 1982.

This Horace passage thus offers important if complex insights into free speech on its own.[10] But I suggest that it becomes even more significant when considered in its wider context. The passage immediately precedes Horace's famous and often excerpted statement about the relation between Greek and Latin literature in his account of the origin of Latin poetic drama in lines 156–176 (*Ep.* 2.1.156–161):[11]

> When Greece was taken she took control of her rough invader,
> and brought the arts to rustic Latium. Then the primitive
> metre of Saturn dried up; and the fetid smell gave way
> to cleaner air; nevertheless for many a year
> there remained, and still remain today, signs of the farmyard.
> It was late when the Roman applied his brains to Greek writing …
> (tr. Rudd)

Central here is the antithesis between Greece and Latium. The sophistication of Greek poetry contrasts with native Italian verses, in Saturnians and in metres that developed later, which Horace describes as uncouth and rustic in comparison. Instead of reading on, into Horace's disquisition on tragic and comic drama, which occupies much of the rest of the poem, I wish to look back at the preceding passage where, I suggest, he makes issues of free speech central to his picture of ancient Italy. I believe that Horace gives us a glimpse of pre-literary and subliterary culture in Italy as a way of reflecting something important about ancient Italian culture. His picture suggests that the exercise of free speech was a central tactic of social control in Italian society, a tactic that preceded the need for legislation (lines 152–154). In the preceding lines, Horace alludes to two practices that bear out my claim, the chanting of Fescennine verses and the practice of the *flagitatio*.

Horace's phrase *fescennina … licentia* (145) evidently refers to songs of ribald abuse, while other evidence associates Fescennine verses with the wedding ritual—Catullus for example provides us with a literary example at Poem 61.119–148—and with the military triumph ceremony

[10] Here I disagree with the reading of this passage in Feeney 2002. He states (at 182) that 'it is notorious that the very start of this enterprise [sc. Roman poetry] is enmeshed in state regulation according to his presentation: at 145–155 we are told that *licentia* and *libertas* got out of hand and had to be curbed by law'. But that is not what the text says. For sure, free speech had ultimately to be controlled by slander laws, but not right from the start. Horace explicitly depicts the nascent state successfully regulating itself in the matter of free speech through social censure rather than legal censorship.

[11] Brink 1982 offers full discussion of Horace's picture of the origins of Roman poetic drama in lines 139–176 in his commentary pages 179–186. Horace's account may well be indebted to Varro's.

when the insults were directed by soldiers at the triumphing general.[12] In these contexts of the wedding and the triumph, Fescennine verses may have had an apotropaic function, which would connect with one of the two ancient etymologies of the word, from *fascinum*, meaning 'witchcraft'.[13] The ancient other etymology derives the word from the name of the Etruscan town of Fescennia.[14] This etymology underlines the especially Italian flavor of the Roman traditions of abuse.

The second practice that I detect in the Horace passage is the *flagitatio*, which lurks in the reference to *iocus … per honestas | ire domos impune minax* (149–150). The *flagitatio* was a form of abuse in which the victim declared his grievances loudly in public outside the house of the malefactor in an attempt to gain restitution by means of 'Volksjustiz'.[15] Catullus again is important here: in Poem 42 he provides a literary treatment of the *flagitatio*, when he rouses his hendecasyllables to join him in demanding his writing-tablets back from a woman whom he castigates rudely. The central reason for construing this poem as a literary version of the *flagitatio* is the use of the verb *reflagitare* at lines 6 and 10 (*reflagitemus* and *reflagitate*). I suggest that Horace envisages the native Italian form of 'Volksjustiz' getting out of control—hence the introduction of legislation.

What I find significant in *Epistles* 2.1 is that the manifestations of free speech depicted by Horace, whether we call them *libertas* or *licentia*, have an essentially Italian flavor that is seen as very different from the refinement that he associates with Greece. But moreover, going beyond the Horace passage, I also find it significant that Roman satire is claimed by the Romans as their own invention, their own genre. Quintilian of courses encapsulates this memorably in his famous *satura quidem tota nostra est* (10.1.93). I suggest that if we view satire as characteristically Italian, we can appreciate the force of this claim by connecting it with Horace's view that ancient Italian society was one characterized by the exercise of free speech.

In an interesting complication, the satirists themselves attribute their exercise of free speech to a connection with comedy—specifically,

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12 See *OCD*³ and Brink 1982 *ad loc.*

13 Paul. Fest. 76 offers both etymologies; the connection with *fascinum* is regarded as 'linguistically untenable' in *OCD*³.

14 This etymology is used to defend the emendation of MSS *inuenta* in line 145 to *inuecta*: see Brink 1982 *ad loc.*

15 On the *flagitatio* as 'Volksjustiz'; see Fraenkel 1961 46–53.

Greek Old Comedy—which they articulate in their theoretical discussions of their chosen genre. Both Horace and Persius are explicit about the inspiration they take from the freedom associated with it. At the start of *Satires* 1.4, the first of his three poems that reflect on the activities of satirists, Horace explicitly claims Eupolis and Cratinus and Aristophanes as role models (*Sat.* 1.4.1–5):

> Take the poets Cratinus, Eupolis, and Aristophanes,
> and the other men who go to make up the Old Comedy.
> Whenever a person deserved to be publicly exposed for being
> a crook and a thief, a lecher or a cut-throat, or for being notorious
> in any other way, they would speak right out and brand him.
>
> (tr. Rudd)

Horace claims that the comic dramatists deployed truly masculine speech (hence *uirorum* 2) which benefited society by depicting malefactors in an unfettered manner, *multa cum libertate notabant* (5). He proceeds to attribute to the precedent of Old Comedy the witty criticism produced by the founder of Roman satire, Lucilius (lines 6–8), and later in the poem he suggests that his own satirical method is essentially similar (lines 103–129).

Then in the last poem of Book 1, when he presents a reprise of his critique of Lucilius, Horace brings in Old Comedy again (*Sat.* 1.10.14–19, tr. Rudd):

> Humor is often stronger
> and more effective than sharpness in cutting knotty issues.
> Humor was the mainstay of those who wrote the Old Comedy;
> that's the respect in which they ought to be followed—men
> who have never been read by the pretty Hermogenes or by that ape
> whose only artistic achievement is to croon Calvus and Catullus.

He here recommends a combination of humor and terseness in terms that again value the exercise of masculine wit (*uiris* 16 is contrasted with *pulcher* 17 and *simius iste … doctus* 18–19).

The Neronian satirist Persius reiterates this connection with Old Comedy when he states his ideal audience for satire (1.123–126, tr. Braund):

> You—if you're inspired by bold Cratinus,
> growing pale at angry Eupolis and the Mighty Old Man—
> take a look at this too, if you perhaps have an ear for something rather boiled-down.
> I want as my reader someone set on fire by those authors with his ear steamed clean …

In this passage, the conclusion to his programmatic satire, he claims that he doesn't mind if he has no audience at all, then expresses praise for Cratinus' boldness (*audaci* 123), for Eupolis' indignation (*iratum* 124) and for the Grand Old Man of comedy, Aristophanes. We can safely assume that it is their outspokenness that he commends: this is suggested by the phrase *uaporata ... aure* (126), which indicates moral cleansing.

So we see that both Horace and Persius appropriate for satire the supposed moral agenda of comedy along with its exercise of free speech. This need to claim a precedent from Greek literature for the exercise of free speech may reveal a lack of confidence about satire's right to speak out in the old Italian way. The link between satire and comedy, after all, though in some ways compelling, is not necessarily obvious, at least not when set against the much more direct and obvious relationship between Latin and Greek iambus, such as we find in Horace's *Epodes*, where the debt to the Greek iambic poets, Archilochus and Hipponax, is central.[16] In other words, when the satirists theorize about free speech, they build in all kinds of ambivalences and complications about the source and exercise of *libertas* and *licentia.*

3. *Programmatic claims for freedom of speech in satire*

I have established that Roman satire is aware of the tension between *libertas* and *licentia* and that this can be seen as an especially Italian or Roman concern, despite the satirists' claim that their free speech is inherited from Greek Old Comedy. I shall now offer two ways of analyzing freedom of speech in satire: first by looking at the theoretical claims made in the satirists' programmatic poems, then by examining particular instances in satire of the conflict between free speech and the danger of giving offense, situations which I suggest are satire talking about satire.

[16] I have excluded discussion of Horace's *Epodes* and other Latin iambic poetry from my paper, partly for space considerations, but also because this very different genre—an ancient genre with Greek antecedents, as opposed to a new-fangled Latin genre—would require a very different discussion. Horace himself distinguishes sharply between the two genres at *Ep.* 1.19.23–25 and especially *Ep.* 2.2.59–62 with Brink 1982 *ad loc.* Mankin 1987 offers a fine argument against scholars' claims that iambic poetry influenced Roman satire. I agree with Mankin that we should allow Quintilian's assertions of uniquely Roman claims to the genre of satire to stand.

For the moment, we stay with the programmatic poems of the satirists. Horace, Persius and Juvenal each closes his programmatic poem with what looks like a pattern of *apologia*, as seen by both Kenney and Griffith.[17] The pattern rehearses a warning about the dangers of expressing oneself too freely and a self-justification for proceeding all the same which culminates in an evasion, a side-stepping strategy adopted to circumvent the danger. The pattern of the warning is the same in all three poems, Horace *Satires* 2.1, Persius *Satire* 1 and Juvenal *Satire* 1. All that differs is the form of the final evasion.[18] It runs like this:

(1) The satirist makes a challenging statement, in bombastic or defiant terms, of his mission in writing satire.
(2) The interlocutor warns him of the risks of satire.
(3) The satirist appeals to the precedent of Lucilius.
(4) The interlocutor renews his warning in different terms.
(5) The satirist evades the issue.

Horace's version of this exchange occurs at the close of *Satire* 2.1, his third programmatic satire (after 1.4 and 1.10, discussed above), where he is discussing with Trebatius, an eminent jurist, the writing of satire. After a bombastic declaration of his intention to continue writing satire (57–59), the lawyer warns him of the dangers (60–62): 'My lad, I'm afraid you may not be long for this world. One of your powerful friends may freeze you stiff". Horace cites as his precedent Lucilius' deployment of free speech without ill effects (62–79). Trebatius concedes the point but goes on (80–83): 'I must warn you, notwithstanding, to beware of trouble arising from ignorance of the law. For if a party compose foul verses (*mala carmina*) to another's hurt, a hearing and trial ensue'. To which Horace responds with a play on words (83–85): '*Foul* verses, yes; but what if a party compose *fine* verses (*bona carmina*) which win a favorable verdict from Caesar? Or snarl at a public menace when he himself is blameless?' to which the lawyer can only reply (86): 'The indictment will dissolve in laughter and you'll go scot free'. The main point is that Horace does not take the warning seriously but sidesteps it with a joke, a pun on the literary and legal senses of the phrase *mala*

[17] Kenney 1962; Griffith 1970.

[18] I here offer a condensed and altered form of my essay on Juvenal *Satire* 1 from Braund 1996, 116–119.

carmina (= slander and bad poetry), which evokes the language of the XII Tables.[19] This is no real reply to the objections Trebatius has made.

Persius likewise closes his programmatic satire in conversation with an interlocutor (unidentified). He produces a sweeping condemnation of the effeteness of modern poetry (103–106) to which the interlocutor replies with a warning (107–110, tr. Braund): 'But what need is there to rub delicate ears with biting truth? Take care the thresholds of the great don't grow chilly towards you: this is where you'll hear the snarl of a dog's rrrr'. In response, Persius appears to concede by offering undiscriminating praise to all and sundry and by responding to a painted sign forbidding defecation by leaving. Citing as his precedents for satirical attack Lucilius and Horace, he defies the prohibition by uttering his 'secret' into a hole in the ground (110–123): 'Am I forbidden a mutter? Not even in secret? Not even in a hole? I don't care: I'll dig a hole for it here. I have seen it, yes, have seen it for myself, little book …' (119–120). He then finishes the poem by making it explicit that his readers will be a select and discriminating few (123–134). So, like Horace, Persius evades the issue of offending people with his satire. He offers overt fulsome praise but covert criticism which is 'secretly' confined to his book, which he claims will have only a small readership. The joke is, of course, that once the 'secret' is deposited into the hole/book, the author has no control over its trajectory or audience.

In Juvenal, the same pattern occurs at the end of *Satire* 1 (lines 149–171, tr. Braund): Juvenal encourages himself to embark on his satiric adventure (149–150) only for the interlocutor to stop him by asking (150–153): 'Where will you find talent that matches the subject? Where will you find that frankness (*simplicitas*)[20] of past generations for writing whatever their blazing spirits chose (*liberet*)?' Juvenal replies that there is no one he does not dare name (153–154). The interlocutor reiterates his warning (155–157): 'Describe Tigillinus and you'll be executed in public'. Juvenal is still indignant that criminals will be able to get away

[19] Most likely, XII Tables fr. 8a: *si quis occentauisset siue carmen condidisset quod infamiam faceret flagitiumue alteri*, 'If any person had sung or composed against another person a song such as to cause slander or insult to another …', with Brink's discussion in his note on Hor. *Ep*. 2.1.153 in Brink 1982. See LaFleur 1981, 1812–1826 and on the relationship between text and law throughout the Republic see Robinson 1940.

[20] It is curious, to say the least, that Juvenal uses *simplicitas* in place of *libertas* which we might expect in this Lucilian context. Cathy Keane suggests to me that this may be a case of Juvenal shying away from the loaded vocabulary that was available to Horace, as part of the phenomenon of the degradation of satire since Lucilius which is a theme of Freudenburg 2001 at e.g. 242–248.

with it (158–159), but the interlocutor again tells him how dangerous criticism is and commends instead the writing of epic poetry, which is harmless. 'But whenever Lucilius blazes and roars as if with drawn sword, the hearer whose mind is chilled with crime goes red and his heartstrings sweat with silent guilt. Then—rage and tears. So turn all this over in your mind first, before the trumpets sound. Once you've got your helmet on, it's too late for second thoughts about fighting' (160–170). Juvenal's final riposte (170–171): 'Then I'll see what I can get away with against the people whose ashes are covered by the Flaminian and the Latin roads'. Juvenal, like Horace and Persius before him, concludes with an evasion: his assertion that he will attack only the dead is not only unsatisfactory but patently untrue.

The presence of this pattern of apology at the end of programmatic poems in Horace, Persius, and Juvenal suggests powerfully that it had its origin with Lucilius; fragments which survive from Book 30 of his *Satires* seem to bear this out.[21] If this is so, all three of his successors in the genre are performing variations on what they saw as a central and perhaps an obligatory theme. More importantly for the present inquiry, Lucilius was a symbol of outspokenness for later writers and so becomes an emblem of free speech. That makes it extra significant that they all reprise his *apologia*. And yet, while all of them pretend to tackle the dangers involved in the exercise of free speech, they all contrive ingenious evasions with which their satiric *personae* (and, perhaps, by extension, they themselves) can avoid the charge of being a menace to society. These evasions seem to me not significantly different from Eminem's conclusion to his opening, programmatic, song 'White America' with the words: *'I'm just kiddin America, you know I love you'*. This flagging and side-stepping of the *libertas/licentia* issue by the Roman satirists destabilizes the audience and may demonstrate a poetic self-confidence that conflicts with the alleged dangers of speaking freely.

4. *The satirists on freedom and constraint of speech*

So much for the theory; but what about the practice? The rest of this paper will be devoted to looking at how Horace, Persius, and Juvenal explore the freedoms and constraints on free speech. We turn again to

[21] Fragments of Lucilius (cited from Warmington 1940) possibly relevant include

Horace for an outline of the scenario. In *Satires* 1.4.78–103, 'Horace' is criticized for being malicious and defends himself by distinguishing himself from the person he designates as *niger* (85) by giving examples of *truly* malicious people and so turning the tables on his criticizer:[22]

> 'You like giving pain,'
> says a voice, 'and you do it out of sheer malice.' 'Where did you get
> that slander to throw at me? Is it endorsed by any
> of my circle? The man who traduces a friend behind his back,
> who won't stand up for him when that someone else is running him
>   down,
> who looks for the big laugh and wants to be thought a wit,
> the man who can invent what he never saw but can't keep a secret—
> *he's* the blackguard; beware of *him*, O son of Rome!
> Often, when four are dining on each of the three couches,
> you will notice one who throws all kinds of dirt at the rest
> except for the host—and at him too, later on, when he's drunk
> and the truthful god of freedom unlocks his inner heart.
> This is the fellow whom *you* think charming and civilized and
>   forthright—
> you, the enemy of blackguards! If I laughed because the fatuous
> Rufillus smells of sweet cachous, Gargonius of goat,
> do you think I'm spiteful and vicious for that? If you were present
> when someone happened to mention the theft committed by Petillius
> Capitolinus, you would defend him in your loyal way:
> "I've known Capitolinus well and valued his friendship
> since we were boys. He has done me many a favor (I had only
> to ask him), and I'm glad that he's living in town as a free man.
> Still—I'll never understand how he got away with that lawsuit!"
> Now *there's* the essence of the black cuttlefish; *there's* the genuine
> acid of malevolence. Such nastiness will never appear in my pages,
> or even in my thoughts. If I can promise anyhing on my behalf
> I promise that.' (tr. Rudd)

It is particularly revealing that Horace attributes the freedom of speech used by the rude guest to the influence of the god of wine, *uerax … Liber* (89).[23] He, by contrast, claims to be just providing *exempla*, following his

1000–1001 *inde canino ricto oculisque | inuolem* ('then let me fly at him with a dog's gape and glare'), 1075 *nunc, Gai, quoniam incilans nos laedis uicissim* ('now, Gaius [= Lucilius], since you in your turn lash us with your fault-finding'), 1078, 1079, 1085, 1086, 1088–1089.

[22] For a useful discussion of the poem see Dickie 1981.

[23] Freudenburg 2001, 28 n.18 discusses the Roman proclivity for etymological games such as this, which connects speaking freely with inebriation via *liber/Liber*. Significantly, Horace's very next word is *liberius*, 'Yet if I'm a little outspoken …', an outspokenness he justifies by reference to his father's mode of teaching morality through examples.

father's precedent (lines 107–129). And what are the examples of malice cited by Horace? Attacking one's friends, spilling secrets, enjoying hurting people and above all criticizing the absent. These are crucial ingredients to remember as background to two worked-out examples of this theoretical discussion, in Persius *Satire* 4 and Juvenal *Satire* 9. These I propose to call cases of metasatire, that is, commentary on aspects of the satirist's role in society.

I shall deal briefly with my first case, from Persius *Satire* 4, a difficult poem whose theme is established in the opening dialogue between Socrates and Alcibiades as lack of self-knowledge. Persius then segues into a pair of verbal attacks (*Satire* 4.23–41):

> No one attempts the descent into themselves, no one!
> Instead they stare at the knapsack on the back in front of them!
> Suppose you ask, 'Do you know Vettidius' estates?' 'Whose?'
> 'That millionaire at Cures whose ploughlands are more than a kite's range.'
> 'Oh, do you mean *him*, the ill-starred man with the hostile Guardian Spirit?
> Whenever he hangs up his yoke at the open crossroads,
> reluctant to scrape the ancient muck from the little jar,
> he groans, "Let it be OK!" while munching an onion in its jacket
> with salt; as his slaveboys cheer their pot of porridge,
> he gulps down the ragged dregs of dying vinegar.'
> But if you relax after a massage and focus the sun on your skin,
> there will be some stranger right beside you who nudges you and spits
> savagely: 'How disgusting! Weeding your prick and the recesses
> of your backside and exposing your withered pussy to the public!
> And another thing, while you comb and perfume the rug on your jaws,
> why does your windpipe stick out clean-shaven from your groin?
> Even if five wrestling trainers were to pull out these seedlings
> and to make your boiled buttocks shake with their curving clippers,
> still that bracken of yours won't be tamed by any plough.'
>
> (tr. Braund)

The first attack consists of gratuitous criticism uttered by an unidentified 'you' of the millionaire Vettidius when his name comes up in casual conversation. The mere mention of his name provokes a savage tirade (lines 27–32) against a victim who is *not* there to defend himself. But then the situation is reversed. As this same character is relaxing, nude, in the sun, a total stranger attacks him out of the blue for his effeminate

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See Schlegel 2000 on how this poem replaces familial narrative with literary-historical narrative.

depilation (lines 35–41), with a savage tirade that matches the earlier one. But at least it is delivered to the victim's face. Persius shows us two different kinds of attack—one on the absent and one on the present; both exercise free speech in the form of savage invective.

In other words, Persius develops Horace's distinction between the people (including satirists) who criticize others directly and the truly malicious individual who attacks his 'friends' behind their backs (*Satires* 1.4.78–103). He does this by presenting a single individual first launching into a gratuitous attack on the millionaire-miser Vettidius who is not there to defend himself then coming under direct attack himself from a stranger for his effeminacy. This, in other words, is a demonstration of the biter bit, as Persius says in the lines immediately following these attacks (line 42): 'In turn we shoot and expose our legs to the shots"

Persius' treatment is on a miniature scale compared with Juvenal's full-scale version in *Satire* 9, which, as Rosen remarks, is often a litmus paper of critical attitudes to satire.[24] The poem presents a dialogue arising from a chance meeting on the street between Naevolus (his name means 'Warty') and an unnamed speaker. When the speaker asks him why he is so despondent and unkempt, Naevolus delivers a long angry condemnation of the pathic patron who's discarded him after long years of service (lines 27–90). His anger is conveyed by the sheer length of the tirade and by his aggressively graphic depiction of his duties, which have included penetrating the patron and the patron's wife, saving his marriage and fathering two children for him. What is important for the present inquiry is Naevolus' use of especially frank speech in his explicit description of anal intercourse (43–46): 'Or is it smooth and easy to drive a penis worthy of the name into your guts and to meet yesterday's dinner there? The slave who digs the soil will have an easier life than the one who digs his master', and in his brazen

[24] In an unpublished paper, 'Naevolus and the Satiric Program in Juvenal *Satire* 9' which he has generously made available to me. Rosen's paper develops my earlier suggestion (Braund 1988, 169–170) that *Satire* 9 can be seen as an allegory of the procedure of satire with Naevolus' position 'very similar to that of the archetypal satirist'. Rosen takes the next step, which is to identify Naevolus the satirist with the Juvenalian satirist himself, thus recovering a comic element in the poem. The argument is appealing, even if I am not convinced on every detail, and his conclusion converges with my own thoughts about the slipperiness of satirists: 'Few satirists—from the Greek iambographers to Howard Stern—however, ever display a consistent moral position, despite the complex rhetoric of self-righteousness that defines the genre, and most flirt with didacticism only to undermine it with their own brand of *improbitas*'.

recollection of how he saved the patron's marriage (76–78): 'I spent the whole night on it and only just managed to retrieve the situation, with you sobbing outside the door. My witness is the couch—and you—you could surely hear the sound of the bed and my lady's voice'. With this graphic and brazen speech Naevolus breaks the rules of polite discourse by explicitly representing the patron as effeminate, unable to father his own children and preferring the passive role in same-sex intercourse.[25] My judgment that Naevolus' words are obscene is not an intrusive modern reaction but relies on the Roman discussions of obscenity in Cicero *Ad Familiares* 9.22.3 and Seneca the Elder *Contr.* 1.2.21–23. These texts suggest that obscenity lies in the graphic evocation of acts like these, although they do allow that obscenity can be relieved by witty indirection, such as we do not find in Naevolus' case.

In response to Naevolus' tirade, the speaker expresses heavily ironic sympathy (line 90): 'You have a perfectly justifiable reason (*iusta causa*) for feeling resentful, Naevolus'. The irony of *iusta* is, however, lost on Naevolus. The speaker then tries to elicit further indiscrete revelations from Naevolus with another 'innocent' question (90–91): 'But what does *he* say in reply?' This attempt fails, because Naevolus suddenly regrets his revelations and attempts to swear the speaker to secrecy (lines 93–101). The rest of the poem has Naevolus wallowing in self-pity and wondering how he is going to maintain his standard of living in future, while the speaker maintains his hypocritical friendliness as he gives him bland reassurance that does not conceal from us his condescension and distaste. This contrast between Naevolus and his interlocutor is important: not only is Naevolus' impassioned raging contrasted with the speaker's calm detachment, but while Naevolus delivers his coarse invective at his absent ex-patron, the speaker is using irony to attack Naevolus, while standing right in front of him.

In this poem, then, Juvenal is reworking and developing the ideas in Horace *Satires* 1.4. Naevolus does what the truly malicious man in Horace does: he throws dirt, he blabs secrets and he criticizes his patron, who is absent. In other words, in the terms of my title, Naevolus thinks he is exercising free speech, *libertas*, against the patron in a kind

[25] Naevolus' fierce attack closely resembles what we find in other texts of abuse, such as curse-tablets and sling-bullets and above all speeches of invective, as helpfully discussed by Richlin and Corbeill among others: Richlin 1992, 96–104; Corbeill 1996.

of private *flagitatio*,[26] but in fact he goes over the top into a *licentia* which is exposed by the speaker's ironic reaction to him.

I propose that what we see in all three texts, but most fully developed in the character of Naevolus, are cases of metasatire—satire using satire to talk about the processes of satire. These texts present images of what the satirist is generally supposed or feared to be like—an unscrupulous individual who will savagely slander people behind their backs. In his *apologia* for the genre, Horace distances himself from this image by suggesting how uncivilized it is to criticize people behind their backs, something *he* would never do! He claims that his satire is not overt attack inspired by malice but a collection of examples offered for the benefit of his friends. (Of course, Horace has it both ways: by introducing the interlocutor's attack on himself, he does incorporate an example of malice [96–100] while disclaiming it.) Persius discourages this behavior by showing how no one is exempt from criticism: if we indulge in free speech, we are likely to be on the receiving end ourselves. And Juvenal's Naevolus is a demonstration of how *not* to be a satirist, with his exercise of *libertas* that his interlocutor's irony reveals to be *licentia*, an abuse of free speech that ends up being nothing more than invective behind someone's back.

5. *Conclusion*

In conclusion, then, satire likes to claim an old-fashioned *libertas* in tune with the old Italian spirit and inspired by the social satire of Greek Old Comedy. But its detractors find only *licentia*. And there is no way to decide which label is correct. Satire knows that it can incur censorship and censure—and that it can sidestep censorship and censure, if it is clever enough. Satire likes to have it both ways. It draws attention to the tension between *libertas* and *licentia* not to resolve that tension but to replay it, over and over. This emerges both in the theoretical discussions in the programmatic poems of Horace, Persius, and Juvenal (and probably in Lucilius before them), and especially vividly in the self-consciously worked-out cases of the ramifications of the exercise of free speech presented by Horace, Persius, and Juvenal. The question they all

[26] It seems to me that Catullus 67 presents another clever treatment of the same scenario: the interlocutor persuades the house-door to reveal her secrets in her pique and anger.

pose, in their different ways, is the same as that posed by Eminem. How is his indictment of suburban America in his opening song affected by his closing comment: '*I'm just kiddin America, you know I love you*'? And how serious is his self-indictment at the very end of 'The Eminem Show', a performance full of blazing anger and aggressive obscenities hardly fit for a child's ears: '*I don't blame you, I wouldn't let her listen to me neither*'.[27]

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